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367303

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

CHEMICAL RECOVERY SYSTEM, INC.
SUPERFUND SITE
142 Locust Street
Elyria, Ohio 44035

The deposition of **JAMES L. JOHNSON**, in the above-styled suit, was taken pursuant to notice for discovery and/or evidentiary purposes, before Kristi S. Roby, Court Reporter and Notary Public within and for the State of West Virginia at Large, on the 22nd and 23rd days of March, 2005, commencing at 10:30 A.M. and 10:25 A.M., EST, respectively, at the Holiday Inn, 340 Oyler Avenue, Oak Hill, West Virginia, and reported by Kristi S. Roby, Court Reporter.

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I N D E X

Witness:

Examination

JAMES L. JOHNSON

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E X H I B I T S

Deposition Exhibit:

Marked

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KRM

(Witness Sworn)

THEREUPON came,

JAMES L. JOHNSON

called as a witness herein, who, having been first duly sworn according to law, was examined and testified as follows:

THE WITNESS: Now, what I'd like to ask, on the summons I got, well, first of all, excuse me -- first of all, I think about eight years is the first time anybody ever called me. I don't think it was you. It might have been you --

MR. NASH: No.

THE WITNESS: -- but you have later --

MR. NASH: No.

THE WITNESS: -- that's what I thought, by your voice, it wasn't you. When they first asked me, is you worked at Obitts Chemical Company in Elyria, Ohio. I said, "Yeah, I worked at Obitts Chemical." Now, on this indictment, it says over at the chemical company and also the other one. That other one, was that the name of the company Russ started next door?

MR. NASH: I believe Mr. Obitts had two companies that he ran.

THE WITNESS: Well, he started that over there.

KRM

1 That was after I asked him about some things and this come
2 up after while. I forgot what I was going to say, but
3 anyhow he started that over there, and I did not know the
4 name of it and I hardly ever done anything for him.

5 If he had to do anything, he'd holler for me to
6 bring a load over and that's one of the very few loads I
7 ever did, just one time, but it wasn't from the other
8 company you're talking about. You had initials is what you
9 had. It wasn't just Obitts Chemical Company, Obitts
10 Chemical Company and then the other one.

11 I did work for Obitts Chemical Company in the area
12 of '65 up to '72. And that -- and I was going to say, for
13 myself, I've been called on quite a few times from -- from
14 the government people. And, when you first started calling
15 this last time, Margaret and you --

16 MR. NASH: Uh-huh.

17 THE WITNESS: -- I didn't really get suspicion of
18 anything, didn't have nothing to be suspicion for. But I
19 got to thinking, I looked like that I just run off from
20 something after an accident or something, which I hold my
21 hand to God, I didn't, not after -- I left there after a
22 accident, but it was quite awhile after that as far as I
23 remember. But, if I'm not mistaken, I'll go ahead and say
24 this, too, because it ought to be on the record. Put this

1 on the record; okay?

2 MR. NASH: Uh-huh.

3 THE WITNESS: Awhile before I come on, I had this
4 messed up myself. I thought I come out of Kankakee,
5 Illinois, with a load. I'd been out there. I left on
6 Sunday. I come back on Monday night. Before that - I think
7 two weeks before that - I was home. My brother, Joe
8 Johnson, he was a terminal manager at Cook Motor Lines in
9 Fayetteville at the time. It was a really short while, and
10 then eventually moved to Oak Hill.

11 Well, he told me, said, "Why don't you come back
12 and drive for me?" I said, "No." This is the truth. I
13 said, "No, I'll never come back to West Virginia till I
14 retire." I said, "I've got a good job. The people I work
15 for, I'm well satisfied with." And Mr. Russ Obitts and
16 Dorothy, you couldn't find no better people. This was my --
17 they just treated me and my wife both, and presents for
18 Christmas any other time -- good. And I told him, "No, I'll
19 never come back till I retire."

20 Well, a long time after that or near that time --
21 well, first of all, I'd better start out this -- about this.
22 I always thought, when I come back that time from Kankakee
23 on a Monday evening, I told her I -- I didn't find this out
24 till yesterday. My wife don't lie, and she wouldn't lie for

1 | nothing. I thought I told her on Monday night or Tuesday
2 | morning -- I had a load going into Sherwin Williams -- as
3 | far as I remember, it was Sherwin Williams in Cleveland.

4 | Well, I told her, I said, "I'm going the short road
5 | -- run." I said, "I want you to call Joe and see if he
6 | needs a driver." Well, before that, I'll have to go back a
7 | little bit in a minute. And so this is my -- my memory. It
8 | was wrong. I was telling her that yesterday. She said, "It
9 | wasn't that way." She says, "You remember when we was home,
10 | he told you, 'Why didn't you come back?'" I said, "Yeah, I
11 | remember." She said, "I didn't call him," said, "You might
12 | have thought I called -- that you had told me," she said,
13 | "But he called that day when I told him to call and told me
14 | that I need two drivers" -- said, "You tell him if he wants
15 | it," and that was on Tuesday -- yeah, said "If he wants it,
16 | be here by Monday."

17 | But, when she told me -- when she told me this, I
18 | said -- I said, "You mean he said that?" I said, "I've
19 | already talked to people," and I told them just what I told
20 | here. But I said that's just the way I told it. I said,
21 | Josie, I said now because -- I'll tell you another thing.
22 | You aren't going to believe this. Ain't nobody in here's
23 | going to believe this. I'm not asking you to. I wouldn't
24 | myself.

1 Let's just go back a little bit later about the
2 truck and then -- so she told me, said, "Now, you promised
3 Mr. Obitts that you'd give notice if you're going to leave."
4 I said, "Yeah." I said, "You know, I don't" -- she said,
5 "Did you give him that notice?" I said, "I probably did," I
6 said, "but I don't know."

7 But, when I went to Mr. Obitts, a friend of mine
8 from here in Oak Hill -- he's buried here in Oak Hill. Now,
9 he drove tankers. Well, a bus outfit out of Pennsylvania
10 come to Elyria, Ohio. Well, he started driving for them.
11 He got on the over-the-road crew on a run, and he liked it.

12 So he called me up one day. I just had -- my wife
13 and I, we've been married now 51 years. At that time, every
14 job I took, anything I done, she was agreeing. But I got a
15 job driving on that bus line. I went out. They wanted me.
16 And she says, "You're not going to take it." I said, "Now
17 what?"

18 She said, "You're not going to take it." I said,
19 "I'm going to take it." She said, "No, you're not." And I
20 said, "looked around, fooled around, and I said "Okay." So
21 I called the company up, and I told the guy, the manager, I
22 said "I don't want it." "Why?" I said, "Personal reasons,
23 I don't want it." I never try to bull it with my wife. She
24 got saved when I did -- before I did. The Lord told her -

1 | this is the Gospel truth - if she didn't go to that altar,
2 | you'll never come in this church. And she's never lied
3 | since; she won't.

4 | And then, when I went back up there, I don't really
5 | know if I did give Russ notice. But, before that, him and I
6 | -- he come in one day, and he asked me, said "I got a
7 | trailer out back," out in the back. He said, "I want you to
8 | help me." I said, "Okay." He said, "I want you to help me
9 | open the drums." Russ was a good chemist, and he could
10 | smell something, knows what it is.

11 | And so I done it and we was sitting there talking,
12 | working and working, working. He said, "You know
13 | something?" I said, "Yeah." He said, "You're not getting
14 | no older," I believe he said. He said, "I'm going to say
15 | something about it" send you something about it. So, well,
16 | he meant it and he would have done it. But it didn't come
17 | up, and I'm not going to go no further than that. I ain't
18 | going to accuse nobody for nothing.

19 | But, later on, when I decided to quit or so -- no,
20 | no, I didn't decide to quit -- back it up, I got -- later
21 | on, I figured -- they paid me good. Don't get me wrong.
22 | But I decided I needed a little bit more, and I really
23 | figured about what -- I didn't say what. I said, "Dorothy,
24 | I need a raise." She sat there and she looked around, and

1 she "Now, we're hard up" and said "Only thing I can do, I'll
2 give you 50 cents on the hour."

3 MALE VOICE: I'm sorry to interrupt.

4 THE WITNESS: I said --

5 MALE VOICE: I can barely hear.

6 THE WITNESS: I said acceptal -- accepted, I mean.
7 So that was it. And I worked there, I don't know how long
8 after that. And, first of all --

9 MALE VOICE: I can't hear. I can barely hear.

10 THE WITNESS: But when I talked to Margaret, she
11 was asking me about how many trucks we had, tankers or
12 whatever. I believe I told her two tankers. We had a dirty
13 tanker and we had a 5,000 gallon tanker. The 5,000 was
14 stainless steel. It was real nice and it's not a very high
15 tanker, but it's long. And that's all I knowed at that
16 time. That's really -- I did know but it slipped my mind.

17 Now, this is the truth. I -- I told her where it
18 was at and I did not -- I kept thinking and thinking --
19 until I mentioned to you one time. You mentioned about the
20 two -- I don't know if you call it a B model Mack or not,
21 but you said two Macks. They was two B model Macks that was
22 there when I started.

23 Well, when I started, I started as a third driver
24 and, friend -- to back up a little bit before, what he told

1 me -- well, he did call me up that day and said, "Do you
2 want to drive again?" I said, "Yeah, I want to drive
3 again." So he said, "I'm quitting. I'm going back on the
4 bus line." He said come up here and Mr. Obitts, I'll take
5 you up and talk to him. So I went up and talked to
6 Mr. Obitts.

7 I was laid off at the steelmill. I had 11 years at
8 the steelmill. I kept getting laid off all the time for 15
9 months at a time. I got so I couldn't do it, couldn't live
10 like that. And I wanted to go back to driving. So he said,
11 "You want to go back?" I said, "Yeah." So he said, "Come
12 up here."

13 My wife looked at me and said, "You going to take
14 it?" I said, "Yeah, I'm going to take it." I said, "I'm
15 going to see Sonny." That was Sonny Hazelwood. And then he
16 took me up to Mr. Obitts. We got in there and talked to
17 him. He asked me, said, "You drive truck?" I said, "Yeah."
18 He said, "I'll hire you."

19 I said, "Now, there's one thing I have to do." I
20 said, "Where I work at, I want off of that job." I said,
21 "They was good enough to hire me." I said, "They hired me
22 for a grinder." It's American Crucible in Lorain, Ohio and
23 then they put me on a furnace. And I worked on a furnace in
24 the steelmill. But you've got the spillman and they had 10

1 pot furnaces. Pot furnaces go down on the ground on the
2 floor, and they're just strung out, and they'll hold around
3 maybe 250 to 300 pound of melted brass or whatever.

4 And I was sitting there working that first day.
5 They pulled me off of my job and put me on that one. Well,
6 I thought it was pretty good, you know. But we was sitting
7 there about a half hour or so, and I asked the guy with me
8 -- it's a colored guy; he was in charge of it. I said,
9 "When do I get a spillhand?"

10 He said, "You don't get no spillhand," said, "When
11 I go to get the snacks," said, "You take care of the
12 others." I thought, "Take care of your five furnace?"
13 "Yeah." I got so I couldn't do that. And I knowed when a
14 person's going to pass out with heat. And one day I about
15 get my eyes burned out one day. One of the pot holes, I had
16 to hit it. The metal rushed over into the l-clip and I hit
17 it and it come up and hit my glasses -- well, my shear and
18 they cut it off and I shut my eyes, shut them shut. I just
19 stepped back. I didn't want to step -- well, I stepped
20 back.

21 General foreman come along and seen me. He grabbed
22 me, and he got me over at the room -- the aid room. It
23 wasn't much of an aid room, but he worked on my eyes, got
24 that stuff off. Soon as he got it off, everything got

1 clear. They didn't even take me to the hospital or nothing.

2 But then, after that, I got so that I could not
3 take it. I about pass out. So the other guy was on his
4 snack, and it so happens, a couple of the guys worked on --
5 on the cranes, a friend of mine -- was one. He's working
6 now at the fire department in Elyria, Ohio. But he was
7 working there. And I told him -- I seen him one day, and he
8 was about to pass out. So I told him, "When you start
9 feeling so" you know, I told him what to do. I said, "Back
10 off, get out."

11 So I done that, and I went outside and sat down. I
12 was sitting out there, and we had a lot of stuff to run. It
13 was about 95 degrees, 97 degrees. And the general foreman
14 come out and said, "What are you doing sitting out here?" I
15 said, "I'm about to pass out." He said, "Get back to work."
16 And then, when I finally went back to work, I figured "I'll
17 get out of there."

18 So, when I got a chance to do this, I went back and
19 I told Mr. Russ Obitts, I said, "They was good enough to
20 hire me." I told him what I just said -- no, I didn't tell
21 him all that, but "They was good enough to hire me, so I --
22 and I'll have to give them notice." He said, "Go right
23 ahead." He said, "When -- what you want to give them?" I
24 said, "two weeks." He said, "Go ahead." And he said, "When

1 | you -- when that's over, come in; you've got a job."

2 | So they had them two B model Macks and then they
3 | had what I call old combine. That's an International
4 | tractor.

5 | (Short Break Taken)

6 | THE WITNESS: What I was saying, when I started
7 | with Obitts Chemical Company --

8 | EXAMINATION

9 | BY MR. NASH:

10 | Q Mr. Johnson, I'm sorry for interrupting
11 | you, but can -- can you tell us what year that was that you
12 | started working for Russ Obitts?

13 | A '65.

14 | Q 1965?

15 | A I don't know the month or what but --

16 | Q Just the year is sufficient for our
17 | purposes.

18 | A Oh, it's towards the springtime, I think.

19 | Q Uh-huh.

20 | A That's when I was wanting away from there.

21 | Q When you left the steelmill?

22 | A Yeah, when I left the steelmill.

23 | Q To work for Mr. Russ Obitts?

24 | A Yeah. And I started driving, it's an old

1 International tractor. We always called them a combine or
2 whatever, like -- it's about what --

3 Q Uh-huh.

4 A I never liked them. But, when I started
5 there, Jim, that was the first driver. Jim --

6 Q What was Jim's last name, Mr. Johnson?

7 A I done forgot it.

8 Q What was Jim's last name; do you remember?

9 A Yeah.

10 Q The first driver?

11 A Yeah, I do, Jim Jackson, Jim Jackson. I
12 know Jim good. But anyhow he told me, said, "Now, you're
13 starting third driver." He said, "But the guy behind me,"
14 said "He ain't going to be here long." I said, "He's not?"
15 He said, "No, he's taking training for machinist and stuff,"
16 so which he did. He got his schooling, and then he went to
17 Thew Shovel in Lorain.

18 Q Do you remember the name of the second
19 driver?

20 A No, I don't.

21 Q That's all right.

22 A I don't know. But it was there. But he
23 did quit. He quit and he went to Lorain.

24 Q And did you become the second driver then?

1 A I become the second driver. I was driving
2 one of the Macks, and Jim had the other Mack. Then later
3 on, they -- I forget what year that was they bought -- they
4 bought that White. That's a White conventional tractor, and
5 it's got, oh, one of the bigger cabs in it.

6 Q I'd like to ask the record to reflect at
7 this point that Mr. Johnson is pointing to a color
8 photograph, a snapshot that he brought in with him, bearing
9 a date of August '66. It shows him at that time standing
10 next to the cab of a truck with a -- with a tanker hooked on
11 behind. It also bears the -- in red letters "flammable" on
12 the -- on the tank.

13 And were you identifying that tractor as one of the
14 -- one of the White -- the White truck?

15 A That's the White truck. It was a White
16 tractor.

17 Q White is the name of the manufacturer;
18 isn't it?

19 A Yes, it is. It was a brand new one, but,
20 if I'm not mistaken, Jim Jackson started driving that.
21 There's a little mixup on this right now. But he got -- he
22 got tired of the -- of the seat in there, something like
23 that. Anyhow, he was driving that.

24 But later on, Jim -- it's a good while after that,

1 Jim had a -- had to go take his test or something, but he
2 had a heart attack. And Jim could not work no more. He
3 could not drive no more. He could work. Jim took over to
4 help Russ -- to help Russ out. And Jim was good about that.
5 Many a time, we'd sit in the driver's room or something, and
6 Jim would try to get on Russ or something, raise Cain.

7 And I told him, I said, "Jim, you must have stock
8 in this company." I said, "Buddy, I wouldn't take that." I
9 said, "Russ is pretty -- pretty quiet." He said, "No, I
10 ain't got stock in it." I said, "Don't tell me that." I
11 said, "You've got stock in this company." "No, no, I
12 haven't." That's the way it went. So, when Jim had that
13 heart attack, Russ put him back in the yard to help him out,
14 and he helped Russ out.

15 And then, when this all come up, I got the White.
16 In the picture, I got that White. Well, later on, just
17 before I quit -- well, just before I left, they got a
18 Maxidine. I think it was a Maxidine and the White one. It
19 was a Maxidine. It was a new one, and it was -- I don't
20 think it was five gears, but it didn't have many gears in
21 it. And then a guy by the name of -- the one I told you
22 before, Gastin, I think it was, or something like that.

23 Q Gaslin?

24 A No, it's --

1 Q Gastin?

2 A Gastin, yeah. It was made by Gastin, I
3 think.

4 Q Would that be spelled G-a-s-t-i-n?

5 A Yeah. It's G-a-s-t-i-n. Now, he got the
6 tractor. Well, I didn't say nothing about it. Some of the
7 guys did say, said, "How come he get that over you?" I
8 said, "That's Russ' business." I said, "Another thing, Russ
9 got me that new tractor there, and he'd been good to me. I
10 ain't got no worry." But it wasn't very long after that,
11 that he went to take his driving test, and they found out
12 something about it. And then he had to quit.

13 I drove that tractor, I don't know, not very long.
14 I -- I don't know how long I drive it, but I drove it till I
15 quit. And that's all I know.

16 Q Now, when you drove the -- the tractor, was
17 -- was there always a tanker hooked on the back end of it,
18 or did you sometimes have -- were you sometimes hauling
19 something else, a trailer?

20 A Yes, there was sometimes. We had boxes,
21 and we'd -- we'd haul boxes with drum work and things like
22 that.

23 Q You can see, I don't know the technology
24 very well -- the terminology. It's a box when you're --

1 | when you're hauling drums, and it's a tanker when you're
2 | hauling liquids that are pumped into the -- the thing you're
3 | pulling?

4 | A Yeah, it is. That's what it is right
5 | there. You're either pumping it in on a tanker or either
6 | loading or unloading drum work or something like that with a
7 | trailer.

8 | Q And did you make pickups of dirty chemicals
9 | to bring back to the site for Mr. Obitts?

10 | A Yes, we did.

11 | Q And you also hauled clean chemicals that
12 | had been reclaimed for delivery to customers; right?

13 | A Yes, we did.

14 | Q Sometimes in drums and sometimes in
15 | tankers?

16 | A That's right.

17 | Q And can you tell us where you drove to make
18 | pickups?

19 | A Well, there's quite a bit of places we
20 | drove. A lot of them, I don't remember. When I first
21 | started off, I used to -- well, that's back up to the third
22 | driver when I was there, I just stayed around, hardly went
23 | anywhere, just in the yard, maybe fooling around working on
24 | a tow motor or something like that or in what they called a

1 | dirty tanker, load it up and take it up to -- I think you
2 | know about Bob Ross. And Bob Ross had a place where we took
3 | that dirty tanker. He had a pit where they dumped it in.

4 | Q Uh-huh.

5 | A And I would -- I would do that.

6 | Q You would take the sludges in the -- in the
7 | slop tanker --

8 | A Yeah.

9 | Q -- or the dirty tanker --

10 | A Yeah.

11 | Q -- to the Ross farm?

12 | A To the Ross farm, yeah.

13 | Q And, when they were taken there, what were
14 | -- what was done with them?

15 | A Well, the tanker was backed up into the
16 | pit, and it was opened up. You got a -- a pipe on the back
17 | of it. As far as I remember, it just opened up.

18 | Q So they would pipe the sludges out into a
19 | pit on the Ross farm?

20 | A Yeah, yeah.

21 | Q All right. And, as you worked there
22 | longer, then you were -- they began to send you out
23 | over-the-road to make pickups and deliveries?

24 | A Well, after the -- just after the second

1 driver quit, yeah, but not that much. Now, he raised Cain,
2 and which I found out is true -- they done what they could
3 do. And so he raised Cain with Jim all the time, said "My
4 land, I can't get to go nowhere." And he didn't. He said,
5 "Only place I get to go, maybe Cleveland and not much of
6 that." And it was true like that. But, when he got away
7 from there, it was about the same thing for me for quite a
8 while until Mr. Jackson, when he got off, and then I started
9 going further, you know.

10 Q Uh-huh, I see. So the first trips you
11 would make would be to Cleveland?

12 A Well, yeah, first away from the plant. Out
13 there at Bob Ross, that wasn't too far out, but Cleveland,
14 yeah, next trip, and things like that when -- when I first
15 -- well, I did before I got first driver, but not much.

16 Q And what did you pick up in Cleveland?

17 A I picked up tankers. You'd pull alongside
18 the railroad track across side the building and -- and
19 they'd pump you overtop of the building into the tanker.
20 All you had to do was sit there and go to sleep or go
21 downtown or do what you want to, but make sure you come
22 back.

23 Q While the tanker was being filled up?

24 A Yeah. Their worker took care of that but --

1 Q What company would that be at?

2 A Sherwin Williams.

3 Q All right. How often would you go to
4 Sherwin Williams.

5 A Quite -- quite often.

6 Q Quite often. Once a week, once a day?

7 (Break Taken)

8 BY MR. NASH (resuming):

9 Q Spell your name for the record.

10 A James L. Johnson.

11 Q And you live at 305 Fayette Avenue in
12 Fayetteville, West Virginia?

13 A Yes, I do.

14 Q And I think you were telling us when we
15 began that you started to work for Russ Obitts in Elyria
16 driving a truck in 1965?

17 A That is right.

18 Q And you began to tell us that you made
19 pickups and deliveries when you were driving truck for
20 Mr. Obitts?

21 A Yes, I do -- did.

22 Q And you were saying, about the time that we
23 -- that we broke off to get a better phone, you were saying
24 that you would drive up to Cleveland to pick up from Sherwin

1 Williams. You described how you were -- you would drive the
2 tanker up and wait while the tanker was filled, and you gave
3 us some detail on that. And I believe we got to about the
4 point where I asked you how often you went to Sherwin
5 Williams, and you said quite often.

6 Could you tell us how often you remember going up
7 to Sherwin Williams in Cleveland?

8 A Yes. As far as I'd remember, I'd have to
9 say at least maybe twice a week or maybe more. And,
10 sometimes, it might be a little less. It's according to
11 what time I worked for Obitts until I started getting
12 different jobs from the third -- the third driver, second
13 driver up to the last driver.

14 Q You told us that, when you were hired, you
15 were hired as the third driver and that you started out
16 working in the yard, and you didn't get sent too far away
17 from the facility, Russ Obitts' plant, until you had worked
18 there for a little while. You talked about going out to the
19 Ross farm, taking sludges there and dumping them in the pit
20 there, and you told us that, as you began to get sent away
21 from the site more to make pickups, that you would be sent
22 to Cleveland.

23 And then I gather that you would go further afield,
24 as it were?

1 A That is true.

2 Q Did you make pickups from other states?

3 A Yes, I did.

4 Q Did you go to Pennsylvania?

5 A I did.

6 Q Can you tell us where you picked up or

7 where you remember picking up in Pennsylvania?

8 A Well, one of the main runs was Buffalo

9 Molded Plastic, I believe. Anyhow, it was Buffalo Mold. It

10 was in Erie, Pennsylvania.

11 Q Now, Erie, Pennsylvania, is that up on Lake

12 Erie?

13 A It's not far from it. I don't know exactly

14 where it's located, but it's in there close.

15 Q Uh-huh. And do you remember picking up in

16 other places in Pennsylvania?

17 A Yes, other places, but I'm not too familiar

18 now with them, but the most one I'm really familiar with is

19 Buffalo Mold.

20 Q That was the one you went to most often?

21 A That's -- that's right.

22 Q And did you go to -- well, I guess I should

23 finish that. How often do you remember going to Buffalo

24 Molding?

1 A I -- I don't think a month went by since
2 going in there. It's according -- like I said before,
3 according to what point my driving was. When I was second
4 driver, you'd go pretty regular; first driver, little bit
5 more regular, so I can't really tell.

6 Q But it would be fair to say, I think from
7 what you just told us that, at one point, you were going
8 there once a month?

9 A Oh, yeah, every bit of it.

10 Q Uh-huh. Did you remember -- do you
11 remember going to Jamestown?

12 A Pennsylvania?

13 Q Do you remember going to Jamestown,
14 Pennsylvania?

15 A Yes, I do.

16 Q Did you go to a different Jamestown, as
17 well?

18 A Yeah. It was in New York.

19 Q So there was a pickup in Jamestown,
20 Pennsylvania, and there was another in Jamestown, New York?

21 A Now, about the pickup, first, I don't -- I
22 remember, there was not a -- I think I made a delivery there
23 in New York.

24 Q A delivery in New York?

1 A One time is all I remember.

2 Q Only one time. But how about Jamestown,

3 Pennsylvania?

4 A Well, I picked up over there and delivered.

5 Q You picked -- picked up and delivered?

6 A Yes, I did.

7 Q Now, did you do that in tankers, or would

8 that be drum work?

9 A We'd pick up in trailers, drum work, and

10 deliver back -- what I delivered back most of the time was

11 in tankers.

12 Q I see.

13 A It didn't -- I'm not for sure about the

14 drum work going back; I'm not for sure. I think maybe it

15 did.

16 Q Do you remember the name of the company in

17 Jamestown, Pennsylvania?

18 A Just -- no, I don't remember, just it was

19 at a paint company; that's all I remember.

20 Q A paint company?

21 A Yeah.

22 Q And do you remember the street that it was

23 on?

24 A I don't remember the street, but I know it

1 | was a awful little hard place to get in if you got a box.

2 | You better not go one way.

3 | Q Can you describe the difficulties of
4 | getting in?

5 | A Yes. It's kind of narrow getting into the
6 | area. It sat behind over in, like the country like, back
7 | in, just sort of a valley, not -- not deep valley. That, if
8 | you had a box, I never -- most time I went over there was
9 | with a tanker, but I have been over there with a box, and,
10 | if you come out with a box, they had a little place to go
11 | around in the neighborhood that you go around and not -- and
12 | bypass a little overhead. And any size tanker with height
13 | at all, a box, would hit, and it was hit.

14 | Q I've seen those signs on the highway that
15 | warn truck drivers that there's only 13 feet or 14 feet or
16 | something like that of clearance. That's what you're
17 | talking about, isn't it, that --

18 | A That is -- excuse me.

19 | Q You had to worry about ripping the top off
20 | the box if you -- if you weren't careful?

21 | A That's right.

22 | Q Did that ever happen that anybody would hit
23 | the overhang and lose part of the box?

24 | A Yes, it did.

1 Q Did that ever happen to you?

2 A No.

3 Q Do you know the driver that that happened

4 to?

5 A I forget his name. I think --

6 Q All right.

7 A I think I might have give it to you, but I

8 don't know it.

9 Q Would that have been a driver named Stan

10 Gastin?

11 A No. It wasn't Stan.

12 Q Not Stan? Well, we may come back to that

13 later. It's -- it's not really an essential point, but I do

14 want to get as many details as we can get. You were saying --

15 A That --

16 Q I'm sorry?

17 A That guy's name was Jess.

18 Q Jess?

19 A Yeah.

20 Q The one who had the trouble with the

21 overhang and the box?

22 A He was the one that done it.

23 Q Uh-huh. Did he get stuck under there?

24 A Yeah. He slammed it in there as far as I

1 know. I don't remember ever getting that trailer -- box
2 back.

3 Q I suppose Mr. Obitts would have had to make
4 an insurance claim about that?

5 A He would have.

6 Q There might be some record of that. Do you
7 remember the -- the insurance company that the Obittses
8 dealt with?

9 A Yes. It was in Elyria there. I forget the
10 name of it. I do know the name, but I -- it just slipped
11 me, but it's right in Elyria -- not all the time. He did
12 change while I was there.

13 Q But did he have one agent that you
14 remember?

15 A No. I don't remember the agent's number.
16 I've talked to them before, but they're in Elyria.

17 Q Uh-huh. When you drove up to Erie,
18 Pennsylvania, I know you said you -- you picked up
19 frequently from Buffalo Molding. Did you make any other
20 stops on that trip, or did you pick up from any other
21 companies in that area near Erie, Pennsylvania?

22 A As far as I remember, I didn't. I'd have
23 to say not very often, if any; I -- I'm not sure.

24 Q Do you remember a company named Presquile?

1 A Yes. I was going to name that, but I --
2 only reason I can tell you that, it's about the same as
3 Buffalo Mold and where the sign is, is down from Buffalo
4 Mold going east --

5 Q I see.

6 A -- I believe east, but I do not remember
7 picking up nothing in there. Now, I knowed a lot of drivers
8 have heard of that, and I did not pick up in there.

9 Q I see. You remember the name then,
10 Presquile, as being near the Buffalo Molding plant in Erie?

11 A Not far from it.

12 Q And you remember other drivers referring to
13 it, but you didn't, yourself, make pickups there?

14 A Not as I know of.

15 Q I understand. Did you ever make trips to
16 New York, into New York State?

17 A I was up there that one time, I think, up
18 there at a paint company, too. I think it was mentioned
19 before.

20 Q Oh, in Jamestown, yeah.

21 A Yeah.

22 Q Did you ever go to East Aurora?

23 A East Aurora, yeah. I've been to Fisher
24 Price Toys, but I forget how I got in there.

1 Q Uh-huh.

2 A But I've been in there quite a few times.

3 Q You went there quite a few times?

4 A Yeah.

5 Q Did you make pickups there?

6 A As far as I ever know, I might have, but,

7 as far as I ever know, most of the -- I think it was mostly

8 delivery; I'm not for sure.

9 Q Most of the trips were deliveries?

10 A I'm not for sure on that.

11 Q All right. Well, I won't press you on it.

12 If you -- when -- when or if you did make pickups there,

13 would that have been in drums or in tankers?

14 A It'd have been in drums, far as I know of.

15 Q With the box truck then?

16 A Yeah; yes, that's right.

17 Q Now, do you remember going to Illinois?

18 A Yes, I do.

19 Q Can you tell us something about the trips

20 you made to Illinois?

21 A Well, the most one I can remember real good

22 is to Kankakee, Illinois.

23 Q Well, please tell us as much as you can

24 recall about going to Kankakee.

1 A Well, we went over there quite often. I
2 can't pinpoint right down to the day or nothing like that,
3 but quite often, we'd go to Kankakee. I believe it was
4 Mobil Chemical, but anyhow most the time we'd go there to
5 pick up, it would be in trailers. But then I have been in
6 there in a tanker. The last time I remember being in there
7 with a tanker was quite a while ago, but I did go in there
8 with a dirty tanker -- what they call a dirty tanker. It's
9 soil solvent and I pumped it in myself to the tanker. I
10 done the pumping.

11 Q You did the pumping yourself --

12 A Yeah.

13 Q -- on that trip?

14 A Yeah. If we had to set static lines out, I
15 done that.

16 Q Static lines?

17 A Yeah.

18 Q Could you explain, for the benefit of the
19 lawyers here, what those static lines were?

20 A Well, anytime you're pumping any gas -
21 flammable gas - or anything like that, any material that you
22 get a static from that, you'll get exposure. That pump or
23 that tractor has to be grounded.

24 Q So you have to make sure that the tractor

1 | and the tanker is grounded?

2 | A One of them.

3 | Q Uh-huh.

4 | A Yeah. I don't know about most drivers, but

5 | I remember Jim Jackson. He always had one he kept with him.

6 | I kept one for myself. So most places we went to, they got

7 | them, and most places will come out -- like I have been some

8 | places, they'd didn't let you hook up to nothing till they

9 | -- unloading or whatever, until they come out and put that

10 | static line on --

11 | Q I see.

12 | A -- put theirs on.

13 | Q They were careful about it then, and they

14 | wouldn't let you --

15 | A Well --

16 | Q When you went to pick up someplace, were

17 | the -- the employees at the various plants you picked up

18 | from more careful in some places or less careful in others?

19 | A I'd say around near the same.

20 | Q Uh-huh. You were telling us then that --

21 | that you made these pickups in Kankakee mostly in box --

22 | boxes or trailers, picking up drums, but the one time you

23 | remember, you picked up in a tanker, you did the pumping

24 | yourself?

1 A Yes, I did.

2 Q When you went to Kankakee, did you
3 generally go by yourself?

4 A Well, when I picked up that -- well, yes,
5 sometimes, yes.

6 Q And did you ever have another driver with
7 you?

8 A A few times. I don't know how many, but at
9 least twice, we did two, both of us; number one and myself,
10 both.

11 Q Number one was Jim Jackson?

12 A Jim Jackson and myself, Johnson.

13 Q And did you go out in the same tractor, or
14 would you have taken two trucks?

15 A We had to have two.

16 Q Had to have two because it was a big load?

17 A That's what it was.

18 Q Do you know about how much you were picking
19 up in -- in that load, I mean how many drums would be in
20 each truck?

21 A I can't tell you the drum. I think I told
22 you before, you mentioned something like 80. I don't think
23 it was any 80; it might have been. But Jim Jackson, he
24 knows actually how many to load and how many to not; he was

1 | good at that. I don't even know how we loaded them. We had
2 | to load them with a tow motor. I think they loaded us with
3 | a tow motor, because I got in -- we'd get each -- when we
4 | loaded one of them, I'd get in there and help him when he
5 | started.

6 | We'd always load the nose first. And then, if we
7 | -- well, he knowed how to split the load. You was allowed
8 | 80,000 pound on that tractor, on a load, but he knowed how
9 | to get that right. He was good at it. So, if you had to
10 | have any in the nose, we'd have them come in -- if they had
11 | to come in -- now, I forgot about this.

12 | As far as I remember, they had to come in there
13 | with a tow motor. You can get up to the back of the trailer
14 | when you're just loading carts, but you can't if you want to
15 | put some up on the top, and we done that. And both of them,
16 | we do -- load both trailers up like that and bring them back
17 | like that. It's all soil products. That's the way we
18 | loaded it.

19 | Q And would the drums then be stacked in two
20 | tiers, or would they just be one tier?

21 | A Well, on the nose, it'd be two overhead, be
22 | two high.

23 | Q Two high?

24 | A Yeah. I'm not for sure if it was four

1 | across or three across. I think it might have been three.

2 | Q I'm just trying to get the best we can from
3 | your recollection here. We may be able to get more from
4 | other drivers, or from Mrs. Obitts herself, about how many
5 | drums were carried in the -- the large trailers.

6 | A Well, I did know exactly, but I'll tell
7 | you, since I left there, I know it's not just on account of
8 | my age. It might be on account; I'm 75. But I'm not trying
9 | to make no excuses, but, when I was operated on, the doctor
10 | told my wife, said, "Now, after this, he might forget some
11 | things." Now, what he was meaning was, after you come out
12 | of the operation.

13 | Well, I used to have a good memory of numbers and
14 | things like that. But, when I come out from under the
15 | operation, I didn't have that. I still have my good memory,
16 | and first thing I remember, I was all strapped down. They
17 | had my arms all strapped down and everything; I couldn't
18 | move my arm. And, before I was operated on, I had a nodule
19 | in my neck and every time I'd take my arm like that
20 | (demonstrating), it would quit after a few minutes.

21 | Well, I couldn't do it, so I was hurting real bad.
22 | Nothing hurting me but that. A nurse kept coming by. After
23 | while, I asked her. I said, "Would you -- I know you're not
24 | supposed to." I said, "Would you be kind enough to do me a

1 | favor?" She come back, said, "I'll be back after while." So
2 | she come back after while. She said, "Are you trying to
3 | pull something on me?" I said, "No, I'm telling you the
4 | truth."

5 | And she come back and left and come back again, and
6 | she done it. She said, "I want to tell you something. I'm
7 | not supposed to do this." And she did. And so she sat
8 | there and watched me, and, when it got better, it done like
9 | I told her. I said, "Now, you can put it back on. It
10 | quit." She told me, she said, "You've got a pinched nerve
11 | or something there."

12 | I've tried to help people that's -- I'm not going
13 | to say nothing about where I go to get medical, because I
14 | don't want to down where they do this. Too many people's
15 | doing that and messing with Veterans. They're doing it.
16 | Too many people are doing it, and a lot of people don't
17 | realize what they go through. They've got so many; it
18 | staggers imagination. And they've been good to me, the
19 | Veterans always have.

20 | Q Well, that's good. Do you remember when
21 | you and Mr. Jackson made the trip to Kankakee, would you
22 | spend the night in Kankakee when you were making those
23 | trips?

24 | A Yes, we would.

1 Q Where would you stay?

2 A I think, most times, Holiday Inn. I know
3 myself, when I'd go myself, that's where I'd always stay.

4 Q You would always stay at the Holiday Inn
5 when you went yourself?

6 A Yeah.

7 Q And you think that, when you went with
8 Mr. Jackson, that you and he would also stay there?

9 A We had to stop somewhere, I think, but I
10 don't remember me and him stopping there.

11 Q It's a long way from Elyria.

12 A That it is. Now, it's very well, we could;
13 I'm not real sure.

14 Q Would -- would you make the drive out from
15 Elyria in one day?

16 A No, not as I know of; I don't think we did.

17 Q Would you stop along the way somewhere?

18 A Well, yeah, we used to stop and eat, yeah.
19 See, Russ, he wanted his drivers -- he was good about this,
20 him and Dorothy. To tell you the truth, what they give me
21 and when I was second or first driver, I stopped one time at
22 a steakhouse down below Toledo off the turnpike, and what
23 they cost me would come to about --

24 MR. NASH: Excuse me, Mr. Johnson.

1 (Discussion had off the record)

2 BY MR. NASH (resuming):

3 Q Go ahead, Mr. Johnson. You were telling us
4 about the trip from Elyria to Kankakee and then back again
5 to Elyria. Was it one day out and one day back?

6 A Not as I know of, I don't think, no, no; I
7 don't remember. I don't think it never was without two
8 days. I was talking about, he always give the drivers
9 expense.

10 Q Uh-huh.

11 A And I stopped at a steakhouse there; it was
12 a truck stop. They specialize in steaks, too, and my dinner
13 come down to about -- it was about 50 some cents more or
14 maybe more than that, maybe a dollar and 50 some. And so
15 I'm not trying to bring anything on me, but, when they
16 brought the bill back, I told the girl, she said "Want a
17 receipt?" I said, "Yeah, but knock off" I think \$1.50 or
18 whatever it was. I says, "Knock that off," see, because I
19 didn't believe in that. I was not a Christian. At that
20 time, I was not. I was just as bad a sinner as anybody was;
21 but, later on, that changed.

22 Q I understand.

23 A But I've never done that, because Russ was
24 always honest to me and Dorothy, both, and so I can't say

1 | nothing against them at all; I'm not going to.

2 | Q Do you remember whether the -- the people
3 | who worked in the yards at Obitts had a system for
4 | identifying the drums that were brought into the yard when
5 | dirty chemicals were brought in, in drums?

6 | A Yes, I do.

7 | Q Could you tell us something about that?

8 | A Well, the most I can really tell you, it
9 | might be different ways, but most was getting a paint can
10 | and an old brush or something and mark it. Like, if we had
11 | drums coming in from Kankakee, I believe, if I remember
12 | right, they'd take and mark on them "KK" I believe it was; I
13 | think it was. And that -- that's what I know about it. I
14 | didn't pay too much -- now, a lot of times, if I'm in
15 | getting a load or something like that, sometimes, a tanker,
16 | I'd load myself. And then sometimes some of the workers
17 | would load.

18 | Most the time, if I remember, I think I loaded,
19 | just tanker work, clean work. But, other than mark all the
20 | others, I -- I do remember that one, Kankakee because we
21 | brought on them two trailer, we brought quite a bit back. I
22 | don't know how many trips we made, probably two together,
23 | maybe twice. That's quite a lot of drums. And them drums
24 | was hauled later on.

1 Only thing I know about doing that, I remember
2 taking the trailers out back, you know, where the driver's
3 range is at, in behind the office. I believe, if I ain't
4 mistaken, we'd either have them parked in the yard somewhere
5 in front of the -- not the warehouse, in front of where we
6 keep our tractors or down behind -- I think -- I believe, if
7 I remember right, we -- when they had loaded from there --
8 because they had a little bit of trouble on account of that,
9 on account of the foreman and Jim Jackson.

10 Jim Jackson, like I say, he'd take up for Russ, and
11 he was good. And then, I'm not trying no -- I'm not saying
12 nothing of somebody else, but the other person, and that's
13 why I remember dropping a box back there one time and
14 leaving it. That's the last time I seen it till it come
15 empty, and then the foreman of the yard, it's up to him.
16 They never done that before; I don't know why. But that was
17 taken from right there, and if you ever seen the place,
18 there's a big tree, if I remember, back close to the office,
19 and it was over towards the driver's, back up and sit it
20 down, and that was back up on the -- up on the bank towards
21 the steel -- the yard.

22 Q Towards the steel on the bank?

23 A Facing it.

24 Q Uh-huh.

1 A Yeah, towards that way, toward, down there
2 where they had their steel at and all that, and that --
3 that's where it was put. But when it was put up there and
4 was stacked up there, I know they stacked up two pallets
5 high.

6 Q Two pallets high?

7 A Maybe, maybe three.

8 Q Maybe three pallets high?

9 A Maybe.

10 Q The drums?

11 A Two for sure.

12 Q Uh-huh, at least two pallets high?

13 A Yes. When Jackson come in, he was off out
14 on the road, and I was out on the road, too, somewhere.
15 When he come in, he seen that; he blowed a fuse.

16 Q Mr. Jackson blew a fuse?

17 A He blowed a fuse by having that up there.

18 It wasn't -- that should not -- now, that's what he said
19 because that -- I don't know if Russ told the guy to put it
20 there or not, but the guy usually does, you know what I
21 mean? Maybe he wants a name for himself; I don't know, but
22 that's what it is. I'm not naming his name --

23 Q All right.

24 A -- unless you ask me.

1 Q Well, I will ask you. If you -- if you
2 know his name, can you please tell us?

3 A Walter Coates.

4 Q Mr. Coates. Was Mr. Coates the yard
5 foreman, or was he in charge of the yard?

6 A When I went there, he was, more or less,
7 foreman of the yard and all that, and then that's -- now,
8 when I left there, I don't believe Mr. Coates was there. It
9 might not have been much after what I'm talking about right
10 now.

11 I -- now, I can't verify that, but, if I ain't
12 mistaken, when I left, I don't -- almost sure he wasn't
13 there, because, while I was working, I had a vacation coming
14 up and I needed a roof on my house. And I hired him to put
15 a roof. Him and his brothers and them, they do that work.

16 Q I see.

17 A They give me a real good job.

18 Q I see.

19 A Fast, quick and everything, you know.
20 That's about all I know about him.

21 Q And what you were saying, if I understood
22 that correctly was that, when you left, and I believe you
23 told us that was in 1972?

24 A '72.

1 Q That Mr. Coates was no longer employed
2 there at that time, that he had left the Obitts facility?

3 A I'm almost sure. I don't know if he had a
4 dispute or fired; I don't know.

5 Q Well, I'm not going to ask you why other
6 people left the facility.

7 A No.

8 Q Do you remember shipments ever coming into
9 the Obitts facility by rail?

10 A Never. I never remember it.

11 Q So the only way that dirty solvent came
12 into the facility, that you know of, was by truck?

13 A By truck.

14 Q Either by tanker or by tractor-trailer?

15 A Tanker or van or box car. A lot of people
16 say "van." They did have a, you know, a box -- a little van
17 there, a little small one, like a deuce and a half or
18 something like that.

19 Q What does "deuce and a half" mean? I've
20 heard that expression.

21 A That means a box, like a delivery box, and,
22 you know, it's not no trailer, nothing like that, not no
23 fifth-wheel. It's just a regular truck, and it holds two
24 and a half tons. That's what's the weight limit.

1 Q Oh, deuce and a half means two and a half
2 tons?
3 A Yeah.
4 Q And I think you were telling us that the
5 big trailers that you used in Kankakee would hold as much as
6 80,000 pounds?
7 A As far as I remember, that's what we got,
8 around 80,000 or less.
9 Q Would --
10 A That is what I mean, the whole thing,
11 tractor-trailer and all.
12 Q Would the deuce and a half be what Dorothy
13 was referring to as the "straight truck"?
14 A Yeah --
15 Q I --
16 A -- could be.
17 Q I took that term "straight truck" to mean
18 that it was one where the cab and the box were attached, and
19 they didn't uncouple?
20 A That's more or less it.
21 Q And I wondered if that would be the same as
22 the deuce and a half?
23 A Well, it could be.
24 Q I don't know much about trucks and --

KRM

1 A That could be. About anything, if it's
2 tractor and trailer, it has to have a fifth-wheel on it. If
3 you ain't got no fifth-wheel, you -- I can't see where
4 you've got a tractor and trailer.

5 Q I see.

6 A Yeah, unless you've got, like they have
7 over the road now. They started that before I got off the
8 road, them double drivers. It's hooked up a lot different
9 from what I ever seen. In fact about it, I remember going
10 down through Georgia - that's when I was going over the road
11 after this - I seen them. I thought to myself, "I could
12 never drive them," not the two trailers behind each other,
13 three, no. I seen too many of them wreck.

14 Q Yeah. I believe that some states even have
15 laws about not allowing them to -- to do that, although I
16 think those laws are changing again.

17 A Yeah, it is.

18 Q I wanted to ask you a few more questions
19 about going to Cleveland. You've already told us that you
20 made frequent hookups in Cleveland from Sherwin Williams.
21 Do you remember other companies that you picked up from in
22 Cleveland?

23 A Hauserman Company, I remember.

24 Q Hauserman?

1 A Yeah.

2 Q Can you tell us anything about Hauserman,
3 any details about --

4 A Well --

5 Q -- picking up there?

6 A When you was asking me before on the phone,
7 I wasn't for sure what the name was.

8 Q Uh-huh.

9 A I asked a fellow here - he's from Cleveland
10 - if that wasn't Hauserman Company, and he said, yeah, there
11 was one there. That was the one, and I didn't remember.
12 But that's the one. It was over on the east side, I
13 believe, but it was awful hard to get into. You had to back
14 up like a alley, and when you start throwing your rear of
15 your trailer, you're coming up to a offset, something like
16 -- well, somewhat like this right here (indicating). You
17 had something like that to get into, nothing else.

18 You got a fence right here (indicating), and then
19 you'll come down a narrow road -- I mean, a narrow alley.
20 You're coming down a 35, 36-foot or 40-foot. Mostly, it's
21 36 or something, and you had to kick that rear-end there,
22 and once you get it in there and you have to move it and get
23 that tractor where it can skip back in there and push right
24 back in and go right down in a hole across the street, and

1 | there's two -- two bay dock they had down in those
2 | buildings.

3 | Q Two bay dock?

4 | A Uh-huh, you put two trailers in there. You
5 | ain't going to put no two at no time. You ain't going to
6 | put no 40-foot in there at no time.

7 | Q I think I -- I think I'm following you.
8 | I'm trying to get a mental picture of what you're
9 | describing, and I think I -- I get the picture of a narrow
10 | alley with a loading dock along one side?

11 | A Yeah.

12 | Q And the dock is two bay, big enough for two
13 | trailers, but you're not going to get two in there at the
14 | same time?

15 | A No.

16 | Q I understand; okay.

17 | A First time I went in there, I was driving
18 | for Obitts. First time I went in there, I'll have to be
19 | truthful about it, I had a hard time getting in there. I
20 | mean, if I hadn't been driving his -- when I was in the yard
21 | and stuff, if I hadn't been pushing his dirty solvent out to
22 | Ross', that's what helped me because it's been a long time
23 | when I started working there. I worked in a steelmill a
24 | little over 11 years, and then I worked at American Crucible

1 down there a couple, three years, I think, I believe it was
2 when I quit to go back to driving.

3 It was quite a long time then, and most of my
4 experience when I was driving before -- Russ asked me, "Was
5 you a driver?" I said, "Yeah, I was a driver." And I was
6 -- I drove mostly at that time before that when I was a
7 young boy up until, oh, I come out of the service, I still
8 drove for the State Commissioner of West Virginia; at that
9 time they called it State Commission; it's State Road
10 Commission now. But I drove snow plows and stuff for them,
11 and I drove all the time.

12 Q That was the first time that you drove
13 trucks or heavy equipment was for the West Virginia
14 Commission, State Commission before --

15 A Yeah.

16 Q -- before the war?

17 A Oh, yeah. I -- I drove for them when I was
18 a young boy. My cousin here both, we started work --

19 RAYMOND: Yeah.

20 THE WITNESS: But he -- then he got his job where
21 he was talking about at Alloy Medical Company in the lab, I
22 believe; wasn't it?

23 RAYMOND: Uh-huh, worked in the lab 21 years.

24 THE WITNESS: And then -- but I kept driving after

1 | that. We wasn't much over 18 years, was we?

2 | RAYMOND: Something like that, yeah, about 18, 20.

3 | THE WITNESS: We started painting posts; do you
4 | remember?

5 | RAYMOND: Yeah.

6 | THE WITNESS: Alongside the road, done that a
7 | little while. And it just so happened, Richard - Raymond -
8 | had to get out of the service; do you remember that?

9 | RAYMOND: Uh-huh.

10 | THE WITNESS: And so I think my brother stood
11 | behind you; didn't he, Joe?

12 | RAYMOND: Yeah.

13 | THE WITNESS: Well, Joe might have had influence on
14 | you getting to Alloy, but I don't know.

15 | RAYMOND: He did, yeah.

16 | THE WITNESS: So and that's -- and I was there a
17 | time, and so, after I come back, I got -- from overseas, I
18 | got -- well, I didn't get discharged. I had six years
19 | reserve and then that was in '70 -- '53, I think it was.

20 | BY MR. NASH (resuming):

21 | Q 1953?

22 | A When I come out of active duty, I got back
23 | on my job driving that truck.

24 | Q Now, I wanted to ask you a few more

1 | questions about companies you picked up from. You told us
2 | about picking up in Cleveland from Sherwin Williams and from
3 | Hauserman Company. Did you -- did you ever pick up from
4 | Glidden Paint Company in Cleveland?

5 | A I believe I have; I'm not for sure about
6 | picking up, but I'm positive about delivering.

7 | Q You made deliveries there?

8 | A About that, possibly one anyhow, maybe
9 | more. I remember picking up some, but I don't know how many
10 | or what, just a few times.

11 | Q All right.

12 | A But our company did pick up there.

13 | Q Your company -- the Obitts Company did pick
14 | up there?

15 | A Oh, yeah.

16 | Q And do you remember any other companies,
17 | paint companies or otherwise, that you picked up from in
18 | Cleveland?

19 | A Well, we picked up, it seemed to me like,
20 | or either dropped off for them, Tropical Paint Company.
21 | I've even forgot where they're at.

22 | Q Tropical Paint Company?

23 | A I think it was Tropical over on the east
24 | side or somewhere over there.

1 Q Uh-huh.

2 A I believe they was sort of competitor
3 against us, I believe; I'm not for sure. But I do remember
4 going there, and it was Tropical Paint far as I remember.

5 Q Do you remember ever going to Michigan to
6 make pickups?

7 A Yes, I do.

8 Q Can you tell us where you went?

9 A Well, I went to Jones -- I think, I'm not
10 perfect about this name, Jones Dabney, I believe, a paint
11 company.

12 Q Jones Dabney?

13 A Dabney, yeah. It was on Caniff Street.

14 Q Caniff?

15 A Yeah.

16 Q On Caniff Street?

17 A Yeah.

18 Q Can you tell us how often you went there?

19 A Quite often.

20 Q Quite often. As often as you would go to
21 Sherwin Williams perhaps?

22 A No, not quite as much, but pretty often.

23 Q Can you remember whether you picked up in
24 drums or in tankers?

KRM

1 A In drums.

2 Q Drum work. And can you tell us how many
3 drums in a load or what size trailer you'd be pulling?

4 A Well, more than likely, anything we picked
5 there was always on the floor.

6 Q What does that expression "on the floor"
7 mean?

8 A Not double stacked, not --

9 Q Oh, I -- I get you. One -- one tier high?

10 A Abreast, yeah.

11 Q You wouldn't stack them up?

12 A Yeah.

13 Q Is there a particular reason for that?

14 A No, no. Like this, now Obitts never did do
15 much of that. The only time they done -- I remember ever
16 doing that was at what I told you in Kankakee.

17 Q Usually, they didn't stack the drums too
18 high, but you do remember their doing it in Kankakee?

19 A They did that time, yeah.

20 Q Do you remember any other pickups in
21 Michigan, besides Jones Dabney on Caniff?

22 A I remember one. It was a little paint
23 company, but I tell you, I don't remember the name. I can't
24 know the place.

1 Q Was it in Detroit or in a different town?

2 A It was close to -- it was in Detroit, as
3 far as I know. But I don't think there was very much to it.
4 It was just maybe a few drums or something like that,
5 dropoff or something.

6 Q All right. Well, if you remember anything
7 more about it, let us know.

8 A I will.

9 (Discussion had off the record)

10 BY MR. NASH (resuming):

11 Q Do you remember other places that you went
12 to in Ohio?

13 A Yeah, but I don't know if it was Balata
14 Company or not, but I used to pick up rubber for them. I
15 drove to the overseas port in Toledo to pick up a whole load
16 of rubber from Brazil.

17 Q The overseas port in Toledo, Ohio to pick
18 up a load of rubber from Brazil?

19 A Yeah.

20 Q And what would you do with that?

21 A Well, I'd pick it up and take it back to
22 the lot and then they'd deliver it. I'm not for sure I
23 delivered all the time, but I did deliver there once. I
24 think the name was Balata; I'm not for sure.

1 Q Balata? Would that be Astlett Balata?

2 A Might be, because they make covers for golf
3 balls.

4 Q Covers for golf balls.

5 A Now, I believe the reason that was for, I
6 don't know; they might have been a friend of Brother --
7 Mr. Obitts or not because I know, a few times, just like
8 anybody else, you get short on money, you know. And so, a
9 lot of times, Russ asked me a lot of times, "Would you care
10 to wait on your check a day or so?" Said no, I don't care,
11 I trusted him.

12 And so I imagine that might have been a friend of
13 his; I don't know. And maybe it was for -- he'd get paid
14 and help out from that. That's -- that's my opinion. I
15 don't know and it wasn't none of my business, and I didn't
16 say nothing.

17 Q I understand. Do you remember going to
18 Dover, Ohio?

19 A Yeah.

20 Q Can you tell us what you did there?

21 A There was a place there that used to make
22 these here paneling, wall paneling. You see it around most
23 houses. It's got all kind of thing, wallpaper on it and all
24 kind of designs and everything. That's what they done.

1 Q All kinds of wall covering?
2 A Yeah.
3 Q Paper and --
4 A Well, I imagine, as far as the paneling,
5 just wall --
6 Q Paneling?
7 A Yeah.
8 Q Like wood paneling?
9 A Yeah. It's where it's coated, you know.
10 You got different designs --
11 Q Uh-huh.
12 A And I don't forget the -- remember the
13 name, but it was there in Dover. See, Dover and New
14 Philadelphia, I think were right together.
15 Q Dover and New Philadelphia were --
16 A They're not very far apart.
17 Q Uh-huh. Would you pick up in New
18 Philadelphia, or are you just mentioning that to locate it?
19 A Well, I just mentioned New Philadelphia. I
20 believe I had a load in there from New York. That's when I
21 was over the road, over -- that's got nothing to do with
22 this company.
23 Q A different -- when you worked for a
24 different company?

1 A Yeah.

2 Q Well, we'll try to confine ourselves to
3 when you worked for Obitts. Do you remember going to
4 Columbus, Ohio?

5 A Yes.

6 Q Did you make pickups there?

7 A It was a paint company. I believe it was
8 Columbus Paint. I'm not for sure of the name of that, but
9 it was sort of a shoddy-like place. It was in between
10 residential areas, where you had to go in to pick up or go
11 in to deliver, and it set back in an offset like. And they
12 did have a fire or two there, and I know we -- we couldn't
13 pick up for a long time or something like that.

14 Q A fire?

15 A I think they had a fire at that paint
16 company.

17 Q That might -- that might help us to
18 identify it, because there would be a record of that.

19 A Yeah.

20 Q Do you remember the name Yenkin Majestic?

21 A Yes, it does.

22 Q Would -- would that have -- would that have
23 been the company in Columbus, Ohio?

24 A It very well could be. I think maybe it

1 is.

2 Q Regardless of whether it's the same company
3 or not, do you remember picking up at a paint company called
4 Yenkin Majestic?

5 A I believe we picked up there, but I'm
6 almost sure we delivered, I think mostly.

7 Q Delivered mostly?

8 A I believe.

9 Q Do you remember, let me see -- do you
10 remember going to other places in New York, besides East
11 Aurora? We've talked about Fisher Price in East Aurora. Do
12 you remember going to other companies or other towns in New
13 York, New York State?

14 A That was the most places. I don't remember
15 any more.

16 Q That was the one you went to most often?

17 A Often, yeah.

18 Q Do you remember going to Buffalo?

19 A Yeah.

20 Q You told us about Buffalo Molding Company.
21 Do you remember the Lehman -- Lehman Tank Lines?

22 A Yes, I do.

23 Q Can you tell us anything about what you did
24 at the Lehman Tank Lines?

KRM

1 A Well, Lehman Tank Lines, we picked up from
2 them.

3 Q Uh-huh. You picked up from Lehman Tank
4 Lines?

5 A Yeah. We'd take a tanker, and they was --
6 I tell you, they'd be Upstate New York and pick up a load.
7 They'd bring it down to a town. I know the name of the
8 place, but I think where they really dropped it off was a
9 different place. It's like you're going over into Canada,
10 going up towards express interstate, and it's all -- East
11 Aurora, I believe it is, in that area, it's in that general
12 area. And where they drop their tanker off, the only time
13 when we'll get one - and I've been up there a few times on
14 this one - we'd have to get a -- see, well, like I think I
15 told you before, Lehman's out of business.

16 They have been out, just like a lot of companies,
17 just gone. That Lehman used to be the biggest one in West
18 Virginia, New York or anywhere. But they'd get that load
19 and bring it down to their lot, and we'd get in there and
20 we'd pump it off -- off of their tanker onto our tanker and
21 bring it back. As far as I remember, most stuff we picked
22 up there, I'd have to say it might be soiled, but I think --
23 it didn't look soiled to me, most of it -- might have been a
24 good load they was buying off Lehman.

1 Q Might have been.

2 A That's all I know about it, but I did pick
3 it up there quite a few times.

4 Q Do you remember making any pickups from
5 Ashland Chemical?

6 A I have, but I don't remember much about it.

7 Q Do you remember where Ashland was located?

8 A Not really. Ashland itself, I do.

9 Q Do you remember Allsides [sic]?

10 A Yes, I do.

11 Q What can you tell me about Allsides?

12 A Well, they made -- I believe they made
13 aluminum siding and stuff like that at the plant. The only
14 thing I remember doing, we picked up there in drum work --
15 far as I remember, it was drum work, and that's -- now, I
16 don't know if aluminum was in there or not. Russ did pick
17 up some aluminum, but the only thing I -- it had to have
18 some aluminum in that really; I think it did.

19 But there's a little place out there close to
20 Elyria. I forget the name of the place. Fact about it,
21 they've got a little plant in there, a small plant. It's
22 out -- well, I know the name of the route, but I forget it.

23 Q Would that be Route 18?

24 A Maybe. But then they had a place in there

1 | where -- oh, I've got cramps in my legs.

2 | MR. NASH: We can take a break if you'd like.

3 | THE WITNESS: No, that's okay. I'll get over it.

4 | I'm okay.

5 | MR. NASH: Well, we're not pressed for time.

6 | THE WITNESS: No.

7 | MR. NASH: We're going to break for lunch in
8 | another 20 minutes or half an hour anyway, but, if you want
9 | to get up and walk around or have a cup of coffee or go to
10 | the bathroom, anything, we can --

11 | THE WITNESS: No, I --

12 | MR. NASH: -- take a break.

13 | THE WITNESS: I have trouble with these ever since
14 | -- since I got them stents, I've had trouble. They put it
15 | in this leg here (indicating).

16 | MR. NASH: Raymond, don't let him overdo himself
17 | here.

18 | RAYMOND: Okay.

19 | MR. NASH: I don't -- I don't want him to push
20 | himself too hard, and don't put yourself out for me.

21 | THE WITNESS: No, I won't.

22 | MR. NASH: We've got plenty of time and...

23 | THE WITNESS: I can, you know. No, for some of the
24 | things that I usually have trouble with, I can stop it. I

1 | either have to have a doctor do -- but I can do that myself,
2 | so no trouble there.

3 | BY MR. NASH (resuming):

4 | Q All right. Then we were talking about
5 | Allsides. Do you remember where Allsides was located?

6 | A Yeah. It's going into Akron from
7 | Cleveland, off from Cleveland, yeah.

8 | Q Going into Akron?

9 | A Yeah, going south, I believe on Route 8 or
10 | 18 -- 8, I believe. It's off the side, left side of the
11 | road going towards Akron.

12 | Q Uh-huh. And do you remember whether you
13 | picked up from there in tankers or in drums?

14 | A In tankers. I'll tell you, the reason I
15 | can remember that very good, I've been in there quite a few
16 | times. You might not know about this. Somebody -- well,
17 | some people here don't know it. That West Virginia bridge
18 | down at Point Pleasant, it fell down and killed a lot of
19 | people, truck drivers, different people.

20 | Q Uh-huh.

21 | A Well, about that time, we had a new guy
22 | went out to Allside to pick up a load of pump. He calls up
23 | and said, "We can't pump nothing." And so Russ got on the
24 | phone -- I think Russ did or Jim one got on the phone; Russ

1 | did, I think. He told, said "I can't make sense out of him,
2 | says he can't pump on or something like that." I said, "Oh,
3 | you can." I said -- I talked to him. And he -- he told me
4 | a few things and I knowed he wasn't doing it right. And
5 | then I think Russ had me take a tractor, a bobtail down
6 | there and show him how to do it, and I did.

7 | And it so happens, the reason I remember this so
8 | good, I had a radio in my cab overhead. It was just down
9 | there before I got to the plant, that news flash went on
10 | about that bridge. That was the same time. And I got over
11 | there, and that boy was trying to pump on. He didn't have
12 | his static on right. He wasn't pumping on right, didn't
13 | have his valves right.

14 | Q Sounds like he wasn't doing anything right.

15 | A Well --

16 | Q But you remember the --

17 | A -- this guy --

18 | Q You remember the timing of this because you
19 | heard on the radio --

20 | A Yes.

21 | Q -- about the bridge going out in West
22 | Virginia when you were driving down to see what was wrong
23 | that the other driver couldn't get the -- the pumping going
24 | right at Allsides, pumping into a tanker?

1 A It was in the afternoon before dark, maybe
2 a little hazy. And, when I got down there, I can see good
3 down there where he's pumping, you know.

4 Q What was the name of the bridge that went
5 out?

6 A It's the bridge at Point Pleasant, West
7 Virginia.

8 Q Point Pleasant, West Virginia. Sorry, I'm
9 going to get me a pen.

10 A That's the day I had to go down there
11 because I had the bobtail. I had -- see, we had pumps on
12 all them tractors.

13 Q I don't want to pretend to know more than I
14 do. What is a bobtail?

15 A A tractor without the box or trailer.
16 You've just got the tractor and nothing else.

17 Q I see; I get it. Let me see. Do you
18 remember going to Mansfield, Ohio?

19 A Yes, I do.

20 Q Can you tell me what you did in Mansfield,
21 Ohio?

22 A The time I remember -- one time I remember,
23 I picked up there at Rogate Industries.

24 Q Rogate Industries?

1 A Yeah, Rogate Industries.

2 Q All right.

3 A It wasn't a very big plant, sort of long
4 like, and you had to go down beside of it, and the docks --
5 they had the dock where you back in on. They had a sort of
6 low overhead, lattice work up over the dock. You had to be
7 awful careful or you'd tear that thing off.

8 Now, I've been in there, I think, one time, I
9 believe. I don't believe I was there, maybe two at the most
10 and didn't go there very often. But they got a new driver.
11 I don't think it was Stan. It might have been Stan. He was
12 a new driver. I believe it was Stan; I'm not for sure.

13 Anyhow, when they got the load to go down there, I
14 told them to be sure and watch it, I said, because you can
15 hit that overhead real easy. And that's straight truck, not
16 no trailer, straight truck.

17 Q Straight truck?

18 A Yeah. It so happened he did hit it, and
19 that cost them a little bit of trouble, but didn't nobody
20 get on him. I mean, you know, it was just a accident. The
21 fact about it, the way they had that canopy over it, it was
22 their fault really. But the driver got credit for the
23 fault, which we do.

24 Q I see. It sounds like most of the

1 | companies that you -- that you went out to make pickups from
2 | or, in some cases deliveries, were paint companies, and
3 | there have been a few others, mostly to do with building
4 | materials, like Allside or Rogate. I guess Rogate, you
5 | said, was wallcoverings. Of course, there was the Lehman
6 | Tank Lines, and they weren't doing paint or building
7 | materials?

8 | A No, Rogate wasn't wallcovering. Rogate
9 | was --

10 | Q Wall paneling, I'm sorry.

11 | A Yeah. Paneling's on that --

12 | Q Paneling.

13 | A -- was Dover. Rogate was where, like this
14 | stuff that goes on, oh, brass, copper and stuff like that;
15 | it's overcoated with -- with -- aluminum and all that stuff
16 | is overcoated. It's in all cars, steering -- on the
17 | steering wheels and things like. It's a cover, is what it
18 | is, over plastic. It's to make it look like it's, you know,
19 | metal, but it's not metal. It's --

20 | Q Vinyl or --

21 | A Well, sort of. It's a cover over it. A
22 | lot of this stuff, you go in your car, you see on the knobs
23 | and stuff, it's like a cover over it.

24 | Q Like a plastic or vinyl, something like

1 | that?

2 | A Most -- a lot of it.

3 | Q Were you ever picking up from auto
4 | companies?

5 | A Yeah, I do, but I don't remember much about
6 | it. Now, it was in Detroit, down the expressway out towards
7 | the airport. That's about all I remember about it.

8 | Q All right.

9 | A And I've been in there a time or two, but
10 | only thing I remember, I remember being in the yard and
11 | seeing some of the stuff that comes from the automobile
12 | company, like, you know, fiber plastics, you know, that's
13 | been in the material or something like that. I don't
14 | remember the time I went in there. I know about where it
15 | was at, close to the airport out the expressway.

16 | Q Close to the airport?

17 | A I went out of Detroit on down the --

18 | Q Off the expressway. Would that have been
19 | Fisher Body?

20 | A Possible.

21 | Q Possible.

22 | A Yeah, it -- I think it was, maybe it was,
23 | but I'm not for sure.

24 | Q Ford?

1 A I'm not for sure which one it was.
2 Q All right.
3 Q Do you remember a General Motors plant in
4 Lordstown, Ohio?
5 A The only thing I know, I never -- I
6 don't think I delivered to it.
7 Q You think -- do you think you made
8 deliveries there?
9 A I'm not for sure.
10 Q Not sure?
11 A But I've been by it. I know where it's at.
12 I know, when they was building it, just about the time they
13 started, they had a big strike.
14 Q Uh-huh.
15 A As far as I remember, I don't think I ever
16 delivered there -- possible.
17 Q What about Ford Motor Company?
18 A Yeah, Ford Motor Company in Lorain, Ohio.
19 Q In Lorain, Ohio?
20 A Yeah. We went in there. Russ -- Ford
21 Motor Company hired Russ -- how was that? Anyhow, we made a
22 delivery in there. I'm not for sure if I made that
23 delivery; I don't think so.
24 Q But somebody made a delivery in there?

1 A I might have. But I went in there and
2 picked up after that, a mistake. It wasn't Obitts' mistake.
3 It was -- well, Ford Motor Company or whoever delivered at
4 Ford Motor Company, the big outfits, they come in, tank
5 right close to where we delivered ours. And ours, as far as
6 I can remember, what -- what we had in the tank was safe,
7 but the other one was right close to it. Well, they come in
8 with a load, whoever it was, for the transmission place.

9 Q They were bringing in a load of
10 transmission fluid?

11 A For Ford Motor Company, that's what they
12 had coming in, and somebody -- I think it was a 5,000 gallon
13 tank, I believe, pretty good size one -- it's all
14 underground and you got -- they'd be like a tank here, just
15 like across through here (demonstrating), all the way, you
16 know, but they got -- I don't know how much they dumped into
17 that, a whole lot more than what they was supposed to. And
18 we went out there and picked that up.

19 Q Because the transmission fluid had got
20 pumped into the solvent, and the solvent was contaminated
21 with transmission fluid?

22 A No, not the solvent Obitts took there, but
23 got -- they got in -- Ford Motor Company theirselves, in their
24 transmission fluid theirselves, somebody put something in

1 | there and it was different.

2 | Q I see. So it was contaminated?

3 | A Uh-huh. And I think Russ, as far as I
4 | knowed, I remember picking up one load there after that, but
5 | it'll be more than one load. But when he -- they give him
6 | the job of it, as far as I remember -- now, Dorothy would
7 | have to tell about this, but I don't know. I don't even
8 | know if that's what -- I know I -- I picked up one load, and
9 | that's the only load I ever picked up, but there should have
10 | been -- that tank was so big, there should have been three
11 | or four loads.

12 | Q I see. What I'm getting at here is, you're
13 | saying that the transmission fluid that was brought in got
14 | put in the wrong valve so that there was a load was
15 | contaminated?

16 | A Yeah.

17 | Q And Ford asked Obitts to pick up the
18 | contaminated load and reclaim it?

19 | A I would assume that's what happened --

20 | Q And --

21 | A -- I'm not positive.

22 | Q And you remember picking up one 5,000
23 | gallon load, but you think that there should have been other
24 | loads to pick up out of there?

1 A I remember picking up load. I don't know
2 if it was 5,000 or not.

3 Q Well, we can ask -- we can ask other people
4 about what happened to the rest of the material.

5 A Well, I think they -- they stopped it. I
6 think Ford Motor Company told them to forget it or
7 something. Maybe they just accepted it or something; I
8 don't know. But I imagine what we picked up, they expected
9 for Russ and them to reclaim it or whatever. And that --
10 that's what I remember. And, far as I know, that's what
11 happened.

12 Q Okay. Do you remember anything about going
13 to any of the tire companies?

14 A I remember some but not -- not enough to
15 even say about it.

16 Q All right.

17 A There's one place we used to go to. It was
18 there in, close to -- it wasn't in Elyria -- might have been
19 not too far from Elyria. I used to go in there, and a lot
20 of times, one thing I always liked, Obitts never hauled much
21 acids or nothing like that. That one time, that tanker in
22 that picture there (indicating), I remember this.

23 They had -- I was in Cleveland for something, drop
24 off, I believe, not even sure where I dropped it off,

1 | probably Sherwin Williams, I believe. Now, he had me go over
2 | to one of the plants over there and pick up, I think, it's
3 | 5,000 -- no, 500 or 600 gallon of some kind of acid.

4 | Q Six hundred gallons of some kind of acid?

5 | A Yeah. It was phenol, I believe it was.

6 | Q Phenolic acid?

7 | A I believe it was. And it's -- it's
8 | dangerous; I know it's dangerous. I think it's phenol, but
9 | I know -- I remember I went to the place I'm talking about;
10 | now, I forget where it's at. It's down around Columbus
11 | somewhere. But I was delivering there one day, and I didn't
12 | have no acid or nothing like that as far as I know of. It
13 | was some kind of a chemical that Russ and them had to -- to
14 | make a certain other chemical; I don't know what it was.

15 | I didn't know that much, but I think it had
16 | something to do with that. But I went back in there, and I
17 | remember I had a box, and it was down a little hole, they
18 | helped me back in -- had all kind of tanks there, tanker
19 | types and all that stuff, and they had -- they had one piece
20 | down there, one place where you back right in real tight.
21 | And that, I think it's phenol. I'll tell you what it is.
22 | Camphophenic is made off of it; it's got it in it, and I
23 | think it's phenol.

24 | Q Now what has it in it?

1 A Camphophenic.
2 Q Camphophenic?
3 A It's for blisters and stuff.
4 Q Oh.
5 A I mean, you can use it on your lips. It's
6 got phenol in it. Anyhow, when I put that box in there and
7 got down there, one of the guys come out and told me, said
8 -- well, I seen the sign had phenol, and another guy come
9 out there and told me, said, "Keep away from that." And I
10 said, "I'm not." He said, "I'm just going to make sure,"
11 you know?
12 Q Uh-huh.
13 A So I didn't, and later on - this is not a
14 hoax - I think this is when I was working over the road. I
15 went to a chemical plant, and I was talking to a guy about
16 that. I didn't -- I wasn't delivering no acid. That's
17 about the only one time I got anything that Russ handled,
18 something he had to have. But I went to this place to
19 deliver. I delivered, wasn't no acid or nothing. But
20 anyhow a tanker comes in with phenol, and I was talking to
21 one of the head guys, a chemist. He had to come out and
22 check it. He had to come out and take a sample and
23 everything before anything was done.
24 So I was talking to him later, the guy that was

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1 | checking that tanker, and I told him, I said, "That stuff's
2 | awful dangerous." He said, "Well, I tell you," said "If you
3 | get a drop on you in here," he said, "I don't think you'll
4 | live too long." And so later on that place where I said I
5 | was at and they told me to watch it, I found out there was a
6 | colored kid in there, and I did notice right around them
7 | pipes and things, they had all kind of sprinklers. All
8 | you'd have to do is kick and -- take your leg, hit it and
9 | that water would come, you know.

10 | This colored kid, I think he must been around 18 or
11 | 19 or something like that -- well, I think Jim Jackson was
12 | telling me about it happening, and I seen in the paper where
13 | it happened later on. That kid got sprayed with that, and
14 | you know he'd be killed. But some way or another, he lived.

15 | But now when I was -- still back again, when I
16 | wasn't driving for Obitts, I was over the road later many
17 | year, I was in this other place. A guy was telling me about
18 | how that happened. He said, "I tell you one thing, we had a
19 | guy come in here one day," said "He doesn't wait for us to
20 | come out and check everything," said he was waiting or
21 | something like that. But said any -- I think what really
22 | happened, he said he had to -- maybe he did say he went on
23 | ahead and checked the driver, said -- no, it wasn't the
24 | driver, it was the guy -- one of the -- a kid from the lab,

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1 and said he come out, little bit of snow and said he got a
2 sample, started taking it out, started down and he dropped
3 the thing and busted it, got in his hand. He didn't live.

4 Q Goodness.

5 A So he died. And now most people ain't
6 going to tell you nothing about that. But I'll telling you
7 what I know and what I did, and I was driving out of North
8 Carolina over the road at that time.

9 Q Is there any -- ever any kind of accident
10 like that at the Obitts facility?

11 A No, not as I ever know of, you know,
12 somebody getting hurt.

13 Q Somebody getting killed, somebody dying
14 because of the chemicals?

15 A Not as I know of. I never knowed.

16 Q Now, I thought you told Reg Arcle (phonetic)
17 six years ago about a young fellow named Tim dying because he
18 went into one of the tankers, maybe to clean it out or
19 something, and being overcome by the fumes?

20 A Yeah, Tim did and then -- he was a young
21 kid. I don't know much about Tim. I -- I seen him at --
22 might have been a few days or just before that happened.
23 That was -- it was over there where Russ had that other
24 plant, whatever they called it; it was in there. And him

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1 and another kid -- well, it wasn't a kid. This guy was a
2 kid, but he didn't look like it. And then they was supposed
3 to be together.

4 Now, Russ give them strong orders. And them tanks,
5 when you're working in them or in them, not never to go in
6 unless somebody's sitting right on top there with you. And
7 that -- this night or just the night -- few nights before
8 that, just a few nights before that, I don't know how -- I
9 think maybe I was loading up a load. It was sort of dark
10 like or maybe I done come in and I went over to the driver's
11 room to check out.

12 A lot of times, the guys that worked there, I
13 noticed through the days when I was there, most of them guys
14 that worked on the steel and stuff, they didn't have nothing
15 to do with Tim. I mean, well to be honest, Tim was a beat
16 -- what you call a beatnik or something.

17 Q He was what?

18 A He was a beatnik or something like that,
19 long hair --

20 Q Oh.

21 A -- things like that. Well, that didn't
22 bother me. He seemed like a good kid to me. In fact, I
23 thought he was about maybe 19 years old or better, I mean,
24 when I found out later. But I was getting ready to leave to

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1 go home, I believe, overnight, and Tim was sitting out
2 beside there by himself. This was just before that
3 happened. Maybe a day or so later, it happened.

4 I don't think -- it's possible it might have
5 happened that night; I don't know. I don't think so. But
6 he was sitting over there out from the driver's room over
7 towards the office out there in the back. I don't know if
8 it was a log he was sitting on. Seemed to me like it was
9 something there he was sitting on. He had his head all hung
10 over like that.

11 I walked over there to him, and I asked him, I
12 said, "Tim, what's the matter?" "Oh, I don't know." I
13 said, them other guys there, they wouldn't talk to him. I
14 tell you, I liked the kid. I feel sorry for him. I says,
15 "Anything I can do for you?"

16 He said, "No." He said, "I'm getting tired. I'm"
17 -- he said, "I'm getting real tired." He said, "I don't
18 like this place." I said, "How come?" He said, "These
19 buildings around here."

20 I said, "What do you mean by the buildings?"
21 "They're great big buildings." I said, "You mean around
22 town?" "Yeah." I said, "What about that?" I said, "That's
23 just buildings, Tim. We have to have them." And I tried to
24 talk to him, but I didn't talk too much. I left after that.

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1 And to be truthful, I've hoped many times that that
2 would have been after I left there, because I was not saved
3 when I left there. If I had been, what I was supposed to
4 do, but I'm telling you right now, I found out since this,
5 that I backslid. I have to get back to the Lord. If I
6 don't, I'll go to hell. But the Lord's helping me.

7 He helped me in some of these things right here
8 that I've forgot. On that -- that picture, now this is the
9 Gospel truth, when she asked me how many trucks or trailers
10 we had, I think it's in her letter here, it says two trucks
11 and a straight truck, I believe it does. It doesn't mention
12 this truck. It doesn't mention that new Mack they got.

13 I didn't think nothing about it until you kept
14 asking me a question, and it's a good thing. I mean, I'm
15 thankful that you kept on asking me. My wife said, "Maybe
16 you're talking too much." She said, "You're an awful loud
17 mouth" and I said -- you know, I admit now how --

18 Q My wife says the same thing about me.

19 A Well, I am, and I'm sorry about it, but I
20 had to go to the Lord since that. I still have to get back
21 to Him. But -- but if I was like I was when I got saved, I
22 believe I could have helped Tim. I believe if I knowed
23 something, I could have helped him then. But, when I found
24 out, I come in off the road one day. And they said, "Tim's

1 dead." I said, "You're crazy" -- said, "No, he's dead."

2 And when he died, he was talking on the phone to --
3 he was by himself, wasn't supposed to be there by himself,
4 but he was. He was supposed to been working. I guess his
5 helper was gone or something; I don't know. But he got on
6 the phone talking to his girl. Now, this is the way it
7 comes out in the -- in this. He got on the phone and
8 started talking to his girl, and they got in a fight or a
9 fuss. That's the last anybody knowed of him.

10 Q I see.

11 A Russ called me in when I found it out.
12 He'd seen me out there, and he called me in the office. He
13 said, "I want to talk to you about Tim." I said, "I want
14 you to tell me the truth. How old do you think he was?"

15 I said, "Around 18, 19, I believe." He looked at
16 me. He said, "Well," he said, "I made a mistake." He said,
17 "I should have checked." He said, "But that family is
18 poor," and what I found out, I think they was. And I don't
19 know. I'm not saying. I'm -- I'm going to stop right
20 there.

21 Q That's all right.

22 A I don't want to get too much onto that.

23 Q That's all right.

24 A I think it might be declared suicide.

1 Q I -- I could see you were headed in that
2 direction. We never know.

3 A That's -- that's the furthest I'll go.

4 Q Well, we'll never know --

5 A No. That's the furthest I can say.

6 MR. NASH: -- at least, not in this world. I think
7 maybe we'll take a break now. We're getting on towards
8 1:00. I do have some questions to ask, to finish up the
9 direct after we come back from lunch but not a whole lot.
10 I'll be turning it over to you guys for cross shortly after
11 lunch.

12 (Lunch Break Taken from 1:00 to 2:25 p.m.)

13 BY MR. NASH (resuming):

14 Q Mr. Johnson, as best as I can recall, we
15 were talking about pickups at the automobile companies
16 before we broke off, and the next thing on my list I was
17 going to ask you if you remembered picking up from Dow
18 Chemical?

19 A Yes, I do, but I don't really remember
20 where I picked it up at, but I did pick up at Dow Chemical.

21 Q And do you remember if that was the Dow
22 Division?

23 A That, I can't say.

24 Q All right. Let me see. Do you remember

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1 | picking up at Fasson or Avery Label?
2 | A No. I don't remember either one.
3 | Q All right.
4 | A That one, that Label does sound a little
5 | bit, but I do not remember it.
6 | Q I think there may have been more than one
7 | label companies dealing with this site. I wouldn't want to
8 | confuse anything there. Do you remember a Beaver Paint
9 | Company?
10 | A I do remember, but then, there again, I'm
11 | not too familiar of how I got there.
12 | Q Not sure where they were located?
13 | A No.
14 | Q Do you remember an Ideal Chemical?
15 | A No, I don't, not really.
16 | Q All right. Did you keep log books of your
17 | trips?
18 | A Yes, I did.
19 | Q What sort of information would you record
20 | in your log?
21 | A Well, anytime you stop, when you start,
22 | when you hook up, everything you do. It's a 24-hour time on
23 | each one. It has to be complete if you turn it in. If you
24 | don't turn it in, you have to lock off duty and go down to

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1 | the bottom and go off duty until the next time you move.

2 | Q And the information you recorded in your
3 | log books, did you turn that in to Mr. Obitts or Mr. Jackson
4 | or Mrs. Obitts?

5 | A Well, yes and no.

6 | Q If you could explain that?

7 | A Well, when I got the second driver, not the
8 | -- not first driver, when I got the second driver, Jim told
9 | me, said, "Now, you're going to have to start making log
10 | books, to keep them." I said, "I'm going to have to start."
11 | I said, "I know that." He said, "But I want to tell you
12 | something." He says, "You make sure you keep your sheet."

13 | I said, "Now, how come?" I said, "Don't they take
14 | them?" "Now, they don't," he says, "I'm been trying to get
15 | them -- I tried to tell them, the government will come in."

16 | I said, "Now, what am I going to do with them?" He
17 | said, "If I was you, I'd keep mine or tear it up if you want
18 | to," said "but they will come in." Now, Jim knowed that.
19 | He used to haul logs -- steel, steel, I mean.

20 | And then one day I was on a trip and I come in
21 | around about 1, and sure enough, there was a bunch of nice
22 | looking cars sitting in front of the office. And I thought
23 | "government." And I walked in, and I seen two officials in
24 | there talking, so I just walked on off. Now, Clara was

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1 | there at the time. I believe you told me that Clara's dead,
2 | died.

3 | Q Dorothy told me that Clara died, I think it
4 | was in 2002.

5 | A Well, Clara was there at that time. And
6 | then I walked off. I just went on about my own business.
7 | And then I come back later, and I said to some -- one of
8 | them, I said, "They're government people, wasn't it?" And I
9 | knowed right then they started accepted the log. That's
10 | when we -- they started then. I kept mine, and I had them
11 | all up.

12 | Now, when I quit there, sometimes I keep my logs
13 | like that, but I don't keep them very long, you know. Like
14 | if I'm done and go off the company and even right now and I
15 | haven't gotten a notice for that. Right now, it's been
16 | almost 20 years since I had this operation, and, when I got
17 | through, when I had the heart attack, I've got two books --
18 | a book and almost two of them where I run, and I've got a
19 | new one, because I always kept new ones. They always give
20 | us new ones.

21 | And then I got the one on when I had the heart
22 | attack. That was in Corbin, Kentucky. I left West
23 | Virginia; I left home. I come home on a long weekend; they
24 | give me off. I went over to -- I forget, it's just out of

1 Covington, on the other side of Covington, over on Route 60,
2 Covington.

3 Q Yeah. That's across the river from
4 Cincinnati; isn't it?

5 A No. This Covington here was over in West
6 Virginia.

7 Q Oh, I'm sorry; I thought you were talking
8 about Covington, Kentucky.

9 A It was up above -- it wasn't Summersville
10 but up in there, 60, I believe -- yeah, Route 60, West
11 Virginia. It was cut off the road; it was out in the woods
12 -- no, it wasn't out in the woods. They had a big old plant
13 over there, and you picked up like pulp wood and stuff
14 that's made for greeting cards and stuff like that. I went
15 to the place and picked up, and I left.

16 I left, went from home, went over there and picked
17 up. I left, went to Corbin, Kentucky. I got at Corbin.
18 I'd been there a few times before. But on these CBs, I
19 didn't want to fool with no truck stop. All the people I
20 run with, we'd have to shut ours off when we go to a truck
21 stop. You know why?

22 Q No, why?

23 A The only thing you hear is "beaver, beaver,
24 beaver."

1 Q Oh, yeah.

2 A You know what that is?

3 Q Yeah.

4 A We'd flip them off, and we just wouldn't
5 listen to it. So I pulled in across from the truck stop,
6 just like a restaurant, like somewhat like the restaurant
7 out here at Oak Hill, at where they had that wreck they were
8 talking about. I pulled in there and filled up. I put, I
9 think, 200 gallon of fuel in.

10 And then I backed up in -- we had a bunch of trucks
11 parked up in the field. I backed up in the field. I jumped
12 in -- well, I -- before I got there, back up a little bit
13 before that. A place I know was about 14, 15 miles from
14 Corbin up in the mountain. I stopped and filled my log
15 books out, and I always carry me a little something to eat,
16 you know, coffee or something like that. I was filling my
17 books out, and, as far as I knowed, my book was out. It
18 should have been to Corbin until I went off duty.

19 Now, I believe you asked me about that, and I told
20 you I had it. I always kept my log books and a first-aid
21 kit, a metal first-aid kit I used to have when I drove snow
22 plow. It's a good one, and I'd even helped somebody along
23 the road in Ohio, a wreck, a few times with it. And I told
24 you, I'd have my other log books when I had a heart attack

1 | in that.

2 | When I had a heart attack, my neighbor had to come
3 | out there, didn't have no way -- my wife's -- she didn't
4 | have no way. She's scared about driving. She drives good,
5 | but she's scared. And then a neighbor -- well, she asked
6 | her brother. That truck I've got now was almost new at the
7 | time. She asked him to run her out there to see me. He
8 | wouldn't do it.

9 | He said, well, only thing that guy was doing was
10 | cutting -- Purdue, lived in front of him, used to be the
11 | principal. He was cutting his -- cutting his lot; that's
12 | all he'd do, lawn mower. He said, "No, I -- I'll take you
13 | out there, but I'll drop you off and I'll have to come
14 | back," and that's the only job he had at the time, so he
15 | wouldn't do it.

16 | So my neighbor, next-door neighbor to me, he come
17 | out and brought me out there when I -- they released me. I
18 | was 10 days in there, and they told me, "You're going to
19 | have a operation," said you go up to Lexington, I think it
20 | was. I said, "Now, wait a minute." I said, "How about
21 | Charleston, West Virginia. Have they got anyone down there?
22 | "They got some of the best."

23 | I said, "Am I able to go there?" "Yeah," said "you
24 | can, but promise you'll get to doctor as soon as you get

1 | there and that's what I done. I come to Charleston; I got
2 | operated on.

3 | But then, while I was in the hospital, my tractor
4 | was locked up. My suitcase was locked up. I had my other
5 | stuff up on the doghouse, what you may call it, between the
6 | box. And that's where my first-aid kit was at, and that's
7 | where my log book was at. And I thought sure I'd never seen
8 | that log book till a few days ago.

9 | And, when my neighbor come up there and got me
10 | in the hospital, they -- just before that, somebody come up
11 | there to get that tractor. I didn't know that name; I
12 | didn't know at all. I knowed all the drivers or anybody
13 | that should have been.

14 | So the nurse told me, said "Somebody from up there
15 | is wanting your tractor." I said, "What's their name?" She
16 | told me. She said, "Do you know that name?" I said, "No, I
17 | don't." I said, "Don't give him no keys." So, when my
18 | neighbor come up, he asked me, "Where -- where's your stuff
19 | at?" I said, "I don't know. It's probably down at the
20 | terminal head, maybe down in Bristol -- down at Bristol."
21 | And I said, "They got a little old place down there, and
22 | they call it a terminal, but it's not. It's just a little
23 | old trailer." And he said, "I'll take you down there."

24 | Well, I got ahold of somebody, and they told me,

1 | said that's where it was at. So we got down there, and they
2 | had it put up in an old trailer. They had my suitcase.
3 | They had my safety kit. They had everything throwed in
4 | there, my Bible, I mean everything. I was living right at
5 | that time and --

6 | Q That was when you were working for Cook
7 | Motor Lines; wasn't it?

8 | A No, that wasn't. That was just about the
9 | log book. That's not -- that's for when I was working for
10 | another company out of North Carolina.

11 | Q That's what I was trying to get at, was who
12 | you were working for at that time?

13 | A Oh, that's -- it's Evans Trucking Company,
14 | Stoneville, North Carolina.

15 | Q I see.

16 | A And I worked there about, I think it's two
17 | and a half, maybe three years at the most, and that's when I
18 | had the heart attack. That -- that's what done it -- too
19 | long. We worked every state in the union but one, and
20 | that's California. And it was open, but we wasn't running
21 | it. After I had a heart attack, they opened it, all states,
22 | everywhere.

23 | And then, like this, we had, the company I worked
24 | for, they had company drivers, about 30 drivers, 40 drivers,

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1 and brokers; they had a bunch of them. Well, when we come
2 in, like I told you before, I think the most I ever made
3 there was around 17,000 and that's for a year, and that's
4 killing somebody. The job I run -- or the trips we run, I
5 got fairly good mileage for trips, but you had to get the
6 trips or you don't get it.

7 Well, if I own a tractor, like there was brokers,
8 they had the money. They get something for \$100,000 a 100
9 -- \$100 a thousand. The brokers get, say, 90 percent of
10 that. I don't know; I think that is it, or 85 percent.
11 Well, myself, I wasn't going to lie -- one of them
12 dispatchers, I wasn't going to pad his hand but maybe 50 or
13 100 dollars.

14 So the trips I got, I made some money, and, when I
15 did make it -- one of my first trips, I went -- I went
16 through Detroit, kept on going up on 95 over in there, went
17 over and picked up a load and goes back to North Carolina,
18 and it goes back to Stoneville -- well, not Stoneville. The
19 place right next to it is Virginia. And I brought it home;
20 I come home, I think on a Saturday. I left on Sunday
21 evening and got it back over there, and that's about all I
22 know. I think I'm getting off track.

23 Q I'm going to ask you a couple more
24 questions about when you were working for Mr. Obitts in

1 Elyria. I'd asked you about a number of towns in Ohio, and
2 there was one that I hadn't asked you about yet; I wanted to
3 ask about that. Do you remember going to Heath, Ohio?

4 A Not really.

5 Q A town named Heath?

6 A Not really.

7 Q Okay. I've asked you about going to a
8 number of states, to New York and Pennsylvania, to Michigan
9 and Illinois. Did you -- did you ever go to Kentucky when
10 you were working for Mr. Obitts?

11 A Yeah; yes, I did.

12 Q Did you make pickups in Kentucky?

13 A No. I'll tell you what it was. It must
14 have been in Pennsylvania. Now, this might help you out
15 here. As far as I know, I don't know the name of the
16 company, but it was drum work with a trailer. I went down
17 in Kentucky, down into Fort Knox, and right where Route 60
18 went right through Fort Knox -- in fact, it goes right
19 through Fort Knox where we took our training before we --
20 when we was taking training. Sixty goes right through where
21 we took our training. You probably remember that?

22 RICHARD: I took mine there, yeah.

23 THE WITNESS: And it went right straight through
24 Fort Knox. and then before I got over, I think it was

1 | Pennsylvania, go out there quite a ways. In fact about it,
2 | when that happened, that was that new Maxidine; I never
3 | drove much. That truck was new. That was that when the
4 | other driver when he -- he got so he couldn't drive.

5 | Q That would be around 1970 then when they
6 | got the Maxidine?

7 | A Yeah. And then now, I -- the first time I
8 | was going through there, I was going kind of fast, and on
9 | that Route 60, it was narrow, and I blowed a front tire, the
10 | right front tire, and you don't usually blow them and come
11 | out of it. But it did -- I come out of it. It blowed the
12 | tire all to pieces. In fact about it, Mack had to buy a new
13 | tire and then -- and when I got through -- when I got
14 | through there, there's a lake right there close, and there's
15 | a motel right up from it, and I stayed there.

16 | And right down at the motel, there's a great big
17 | restaurant, real nice restaurant. I ate my breakfast there,
18 | look right over the lake, you know. And just about a few
19 | miles from that, I'm right sure it's Pennsylvania. I forget
20 | the name of the company. It wasn't very much, not over five
21 | miles at the most -- wasn't long and just, they had a plant
22 | there just off the road, looked like maybe in the woods, off
23 | in the woods to the right.

24 | Q Just off Route 60?

1 A I was still on 60. Yeah, it had to be 60.

2 Q Okay. And I'm trying to follow the -- the
3 line of the story here. You're going down Kentucky on Route
4 60?

5 A Yeah.

6 Q And you're talking about a plant just off
7 the road there in the woods?

8 A Yes. And I believe that was still Route 60
9 because I don't think -- as far as I know, it was Route 60,
10 no question.

11 Q Do you remember the name of the company?

12 A No, I don't; I don't remember it.

13 Q Do you remember what they did or what they
14 made?

15 A No. But I know that I picked up drum work
16 there.

17 Q You picked up drum work there?

18 A Yes.

19 Q From a plant in the woods off Route 60, and
20 this would be south of Fort Knox? I think you said
21 something about Fort Knox?

22 A Yeah. I did go through Fort Knox.

23 Q Go through Fort Knox, so this would be
24 further south?

1 A I'm not for sure about south; I don't
2 believe it was south. I'll ask him, and he could tell me.

3 Q All right.

4 THE WITNESS: Ray, you know where we trained out
5 there, remember? I'll tell you, where we had the tank
6 outfits.

7 RAYMOND: Where they had the tanks?

8 THE WITNESS: Yeah, you remember they had tanks?

9 RAYMOND: Yeah, that was in D7, where the tanks was
10 at.

11 THE WITNESS: Now, I come through from Louisville.
12 What you call Guy highway?

13 RAYMOND: That's 35, Route 35.

14 THE WITNESS: Well, that goes down and hits 60?

15 RAYMOND: Yeah.

16 THE WITNESS: I went down that and I hit 60, took
17 60 all the way through Fort Knox, and I went clean through
18 Fort Knox to where he's talking about, and when I got to
19 that place where I stopped to eat where the restaurant was
20 at and the motel, it wasn't, I'd say about 20 miles, 15
21 miles. As far as I know, I was still on Route 60.

22 RAYMOND: That's going south.

23 THE WITNESS: That'd be south.

24 RAYMOND: Yeah, yeah.

1 THE WITNESS: I missed a turn, but I thought it
2 might be south.

3 MR. NASH: All right.

4 THE WITNESS: Yeah. That was going south and it
5 was 60 as far as --

6 BY MR. NASH (resuming):

7 Q And you picked up drums there?

8 A Yes, I did.

9 Q Do you remember what -- you said -- you
10 said you were driving the Maxidine --

11 A Yes.

12 Q -- truck at that time? And there might be
13 some way we can pick this up from some of the logs we've
14 got. We've got some records that the Obitts Company kept
15 that shows destinations the driver drove to, and I knew
16 there were a couple in Kentucky, across the state line. It
17 might -- this might be something we can track down, because
18 those were -- those records were organized by the particular
19 truck that the mileage was logged on.

20 Can you tell us how many drums the Maxidine would
21 carry or the trailer of the Maxidine was pulling?

22 A I can tell you this for sure. I can't tell
23 the amount of drums, but pretty much full, so that'd be -- I
24 think that trailer -- I don't think it was a full 40 foot;

KRM

1 | it might have been. It might have been 36, 38, something
2 | like that. But it was a fairly good load. When I got back
3 | over in Ohio, that's why the guy who used to drive it, he
4 | told me, said, "Man," said, "you ought to get this one," he
5 | said, "because you hardly ever change gear in this" -- had
6 | two or three gears, hard to believe.

7 | When I was driving before that, I had 13 speed, and
8 | I mean you had 13 speeds. And then I come into Cincinnati,
9 | coming back to Elyria, and a great big road there. You know
10 | about this here place they got, Kings Island, I believe it
11 | is, coming out of Cincinnati? I think it's Kings Island,
12 | great big resort place.

13 | Q I'm not sure that I do, but that's all
14 | right. Go ahead; we can find that later.

15 | A It's just about like they've got down in
16 | Florida. And then a great big long hill there. And so I
17 | was going up about halfway up that hill, over halfway. I
18 | was getting up there about Kings Island, not close enough
19 | for the entrance. And I looked in the mirror, and I seen a
20 | Mack coming, Mack truck. And it was just about like the one
21 | I had. And I thought to myself - I had a pretty good load
22 | on there - I thought to myself, "You're not going to go no
23 | more." And that guy walked around me like I was going
24 | backward. I mean, I was moving that load, not touching a

1 | gear or nothing.

2 | But he had -- and I looked at him when he come up
3 | to my door. I glanced at it. He had the gold Maxidine, had
4 | a big gold thing on the hood. I figured that's what it is.
5 | It's a difference. But I had a pretty good size load on
6 | there. I can't tell you. I wasn't overloaded. I wasn't
7 | too close to it, but I had a good load on it.

8 | MR. NASH: All right. Well, thank you. That
9 | should be very helpful, I think. I might have a few more
10 | questions for you later on, but -- but I think that I've
11 | pretty much come to the end of the questions I had planned
12 | on asking you. I think at this point I will turn it over to
13 | some of the other people in the room to ask some of their
14 | questions.

15 | (Discussion had off the record)

16 | **EXAMINATION**

17 | BY MR. ROBERTSON:

18 | Q Sir, my name is Ken Robertson.

19 | A Thank you.

20 | Q I represent Mobil Corporation, and I'm
21 | going to ask you a few questions about your trips to
22 | Kankakee. Do you remember some telephone interviews you had
23 | with Mr. Nash --

24 | A Yeah.

KRM

1 Q -- back in -- well, it was in March, this
2 month?

3 A Yeah, yeah, I remember.

4 Q You had talked a little bit to Mr. Nash and
5 Ms. Herring, his investigator or an investigator with him --

6 A Yeah.

7 Q -- about what we've talked about today, and
8 you also talked about the Kankakee trips --

9 A Yes.

10 Q -- do you remember?

11 A Yes, I do.

12 Q In your statement before, you indicated
13 that your best guess would be that you went to the Kankakee
14 facility not more than three times. Do you think that's
15 accurate?

16 A No. I think I've been there more than
17 three times. See, when they asked me that, that was about
18 the time when I -- certain time I got so -- I don't think
19 I'm like an older person is, but I'm getting pretty close to
20 it. I don't know if it's on account of the heart operation
21 or not; I don't think it is. But, well, we went in there
22 more than that.

23 Q Okay. How many times do you think you went
24 to the Kankakee facility?

1 A At least four, five, maybe five. Now, this
2 is -- that might be a guess, but it was more than -- three,
3 you say?

4 Q Yes, sir. That's what you said before.
5 You said your best guess would be not more than three times
6 at the most.

7 A Well, that's what I thought at the time and
8 that's -- that's what I thought.

9 Q Okay. So you think it would be between
10 three and five times?

11 A That, yeah, I believe it.

12 Q You that would be more accurate, between
13 three and five?

14 A To be accurate, yes.

15 Q Now, sir, let me go back and fill in a
16 little bit of your history at the Obitts facility. You
17 started as driver three, the third driver?

18 A Yes, that's right.

19 Q How long were you the third driver?

20 A I don't really know. It was quite a while.
21 The second driver, he was just -- hadn't started very long
22 when I went there, taking his training for machinist, I
23 imagine it was. Anyhow, he was taking it. He wanted to get
24 a job to go to where he did, Thew Shovel. And I don't know.

KRM

1 I don't know how long it took him that, but I'd say, oh, at
2 least two years or something like it, maybe three -- two,
3 maybe three.

4 Q Okay. So you -- you were the third driver
5 for two to three years?

6 A Oh, yes.

7 Q And, as I understand it, when you were the
8 third driver, you didn't do too much hauling outside of the
9 state, if at all?

10 A Well, that's true, hardly any -- none that
11 I know of.

12 Q Okay. Then you became the second driver
13 for Obitts; right?

14 A Yes, that's right.

15 Q And how long were you the second driver for
16 Obitts?

17 A Up until Jim -- up until Jim had -- had his
18 heart attack.

19 Q Which would have been about what point?

20 A I don't really know, but I know, just about
21 that time, I think that -- I'm not for sure. When I got
22 first driver, was that when they got the White. Now, they
23 had another White just before that or after that. That's
24 the one that had the 13 speed in it. That White's, you got

1 | that picture, was a regular 10-speed Road Ranger. And then
2 | I ain't for sure that I got that when it was new; I think I
3 | did. But it's possible I didn't. Jim probably got it.

4 | Q Well, your best estimation of how long you
5 | would have been the second driver, two years, one year?

6 | A Well, it's better than two years, I
7 | believe.

8 | Q Two to four?

9 | A Pretty near it. Let me see, I'd say in
10 | there somewhere, maybe a little more; I don't think so.

11 | Q You left -- as I understand it, you left
12 | Obitts in '72?

13 | A '72.

14 | Q About how long -- let's do it this way.
15 | About how long do you think you were the first driver at
16 | Obitts before you left?

17 | A Before I left?

18 | Q Yes, sir.

19 | A I'm not too sure about that. I'd say it
20 | was over -- it was over a year or close to that.

21 | Q So we're probably talking '70 or '71, you
22 | became Driver One or the first driver, and then you stayed
23 | first driver for about a year or two?

24 | A No. I drove more than that. I'm not for

1 | sure.

2 | Q All right. So maybe two years as first
3 | driver?

4 | A Probably.

5 | Q All right.

6 | A And probably a little bit more; I'm not for
7 | sure.

8 | Q All right. That's all right. You're doing
9 | the best you can. All right. Now, sir, as the second
10 | driver, it's my understanding that your trips were
11 | predominantly to Cleveland?

12 | A Yeah, as a rule -- not all the time, most
13 | of the time.

14 | Q So would it be fair for me to say that your
15 | trips to the Kankakee facility would have been as the first
16 | driver?

17 | A No. I went there as the second driver,
18 | too.

19 | Q Okay. Now, the three to five trips that
20 | you took to Kankakee, you indicated that you thought this
21 | was a Mobil chemical facility?

22 | A That's what I thought. I'm not -- I'm not
23 | positive about that. I -- I believe.

24 | Q It might not have been a Mobil Chemical

KRM

1 facility?

2 A Possible.

3 Q All right. Let's just refer to it then as
4 the "Kankakee facility." Your -- your trips to the Kankakee
5 facility, were you always accompanied by another driver?

6 A Not always, maybe twice.

7 Q All right. So two of the, let's say, five
8 times - two of the three to five times - you were
9 accompanied by another driver?

10 A To be truthful, from what I remember, not
11 no more than two times that we had two trailer loads at a
12 time.

13 Q All right. Now, how many -- I thought I
14 understood also that, on one occasion, you had a tanker
15 truck with you?

16 A I did.

17 Q How big was the tanker truck?

18 A That's what they called a dirty tanker. It
19 held about -- oh, I think they might have had it on 4,000,
20 but I don't really think it'd hardly hold -- it might hold
21 4,000, yeah.

22 Q Four thousand gallons?

23 A At least that. Now, the other one, it
24 would hold 5,000 gallon because it was -- that was an

KRM

1 | entirely different tanker.

2 | Q Now, the other occasions when you went to
3 | the Kankakee facility, let -- let's set the one aside when
4 | you drove the tanker; okay?

5 | A Yes.

6 | Q When you were driving the box trucks, how
7 | large were the -- how much was the hauling capacity of the
8 | box truck you were driving the times you went to the
9 | Kankakee facility?

10 | A Well, the capacity should have been close
11 | to 80,000; I'm not for sure. That's for 18-wheeler. Now,
12 | and we probably had maybe 18-wheelers -- yeah, but some of
13 | our trailers we had at that time at Obitts, I don't think
14 | they was a full 40 foot. Maybe -- I know some was.

15 | I know we had -- see, one or two, I distinctly
16 | remember was round-nosed in the truck, and when you get
17 | round-nosed in the truck, you're going to lose something in
18 | the front, you know. Now, some of them -- I know two of
19 | them was round-nosed.

20 | Q Now, when you were accompanied by the other
21 | driver, was he driving the same kind of a box truck,
22 | approximately 40 feet long?

23 | A More or less the same size.

24 | Q Now, in your -- in your earlier phone

KRM

1 | conversations with Mr. Nash, you had told him that you
2 | thought those trucks would hold 40 to 45 drums; is that
3 | about right?

4 | A I would think it would be at least that
5 | much.

6 | Q And these were 55-gallon drums; do you
7 | know?

8 | A Well, they should have been 55-gallon, but
9 | I think some of them might not have been completely full.

10 | Q All right. So we're talking 40 to 45 drums
11 | per trailer?

12 | A I'd say so, yeah.

13 | Q And some of them were not completely full?

14 | A Possible, that's true.

15 | Q Now, both of the trucks would have had 40
16 | to 45 drums on them on the occasions when you had two
17 | trucks?

18 | A They had about the same thing. I'd say
19 | that's pretty near. It was after I talked to Mr. Nash, I
20 | wasn't so sure how we loaded them. I know we didn't load
21 | them from the ground, and they must have had an endloader
22 | because Jim and I both, when we -- we'd load his first or
23 | load mine first -- which load we'd load first, I'd get in
24 | there and help him, and he'd help me.

KRM

1 And when you get up in the nose, like I'm counting
2 the round-nose trailer, when you get up into the nose, we
3 had to have -- I'm not sure about this, now. I'll stand
4 corrected on this one. We had to have a tow motor to put it
5 up in there to us. On the back, we wouldn't have to. They
6 put it in the back, because we had drum barrels, you know.
7 We'd wheel them back ourself, but it gets up in that nose,
8 we couldn't do it.

9 Q Sir, what was the -- what was the name of
10 the other driver that accompanied you to Kankakee?

11 A James Jackson. He's passed away now. I
12 think they know that.

13 Q Do you remember the names of anyone at the
14 facility at Kankakee that you dealt with?

15 A No, I don't.

16 Q Sir, other than the Kankakee facility, can
17 you think of any other facilities that you hauled from that
18 you associate with Mobil Chemical Corporation?

19 A Offhand, I can't right now.

20 Q Now, if I've got my timeline roughly
21 accurate, the times that you would have gone to the Kankakee
22 facility would have probably been after 1967 or 1968? It
23 would have been between '67 and '72?

24 A Closer to '72 -- no, I'd say in between

KRM

1 | them two, in between that first one you said and '72, in
2 | between that.

3 | Q Somewhere in between '67 and '72?

4 | A In that area. That was closer, little bit
5 | closer to this. That'll carry it.

6 | Q Okay. Sir, do you remember giving an
7 | earlier statement to someone with EPA, back maybe six or
8 | seven years ago, about this, about your history with Obitts,
9 | your hauling history with Obitts?

10 | A Yeah. There was some guy called me. It
11 | wasn't none that I know here, so I don't know his name. I
12 | don't know. He give me name and he give me a telephone
13 | number. He said, but this -- this never won't -- don't
14 | depend on it too long, you know.

15 | Q Do you have any idea why you wouldn't have
16 | recalled the Kankakee facility in that first statement?

17 | A No. I wouldn't have no idea. Well, like
18 | -- when they started calling, a lot of that stuff, I didn't
19 | have much idea at all. Of course, I got it in my head or
20 | something that somebody thinks that -- my wife asked me,
21 | "What's going on?" Well, you have to do these things; I
22 | know that. She don't realize it. I said, "Well, they have
23 | to." She said "Seems like somebody" -- now, I got this in
24 | my mind -- seems like somebody is trying to say we left on

KRM

1 account of some reason.

2 Q Oh, no, sir.

3 A There ain't but one reason I left for.

4 Q No, sir, not at all. We're just trying to
5 figure out what you hauled and what was taken to the Obitts'
6 site. That's all we're trying to figure out.

7 A That -- that's all?

8 Q Yes, sir. Do you recall if, in the recent
9 telephonic statements with Mr. Nash, did you remember the
10 Kankakee facility after Mr. Nash asked you about the
11 facility in Kankakee? I mean, did he say, "Did you haul to
12 a facility in Kankakee"?

13 A No. He didn't say that; I don't think, if
14 I remember right.

15 Q It's something you remembered without him
16 asking you about it?

17 A I believe I did. Now, that's -- well,
18 that's about what I remember. That's -- I don't think he
19 mentioned it.

20 Q Did you -- do you have any diaries,
21 anything at home that you kept from your -- from your
22 trucking era days, like notes that you might have kept,
23 anything at all that you haven't given folks?

24 A No, I never did do that. Now, like my log

KRM

1 | books, I wish I had the last one when I had the heart attack,
2 | but, even when I found that, somebody got it, and I don't
3 | know who come and -- well, when I finally found out, when I
4 | went down to get my stuff, the foreman at that place, I seen
5 | him. He said, "Boy, I had a hard time getting in your
6 | tractor." I said, "How come you had a hard time?" He said,
7 | "I went up there one time to get it or twice, and the nurse
8 | wouldn't let me have it, wouldn't let me have the keys."

9 | Q Right.

10 | A And then somebody was trying, but somebody
11 | fooled with my log book. The log book I got, I stopped just
12 | before I got there where I filled up. That log wasn't in
13 | there, and I done filled it out by the time I got there.

14 | Q Now -- oh, I'm sorry, go ahead. I didn't
15 | mean to cut you off.

16 | A But, other than that, I never -- like you
17 | asked me, I never kept notes of it. I might make a mark on
18 | the -- I looked at all them maps I got down there I had when
19 | I was over the road. I looked at them. I told them I'd
20 | bring them. I didn't bring them. But I did -- I was
21 | looking at them.

22 | Well, when Raymond come, about the time I called
23 | him and he forgot. He thought I said Wednesday, and I know
24 | I could depend on him. So I waited till about, I think it's

KRM

1 around, oh, after I talked with Mr. Nash. I called over
2 there and I got his answering service, so I left it on
3 there, and it come up pretty close to 10:00.

4 So I called again -- no, no, yeah, I think I did.
5 Yeah, I did call again and told him it's important.

6 RAYMOND: I called you as soon as I come in.

7 THE WITNESS: Yeah. This next time, yeah. When I
8 done that second time, you called me right back. Well, just
9 before you called me right back, I called the person, the
10 old lady that you help up there --

11 RAYMOND: Uh-huh.

12 THE WITNESS: -- you help her and all that. I
13 called her, Katie, and she said, "He just left here." And
14 I'd have caught you right there, and that was about 20
15 minutes till, I think; wasn't it, 15 minutes? Anyhow, I
16 started out the door when you come, and I -- I had this
17 stuff here with me (indicating), and I forgot about
18 everything else.

19 And the hospital at Oak Hill, Plateau Medical
20 Center, they called me. I was in there about, oh, last part
21 of last year for kidney -- or this year - might be last year
22 -- kidney stones. I was in there all day long, but I passed
23 them. I've had kidney stones for years and that's only the
24 second time I ever passed them without dissolving. And she

1 | called me, wanting to know my insurance number and
2 | everything, and I started asking her and Raymond hadn't got
3 | there yet.

4 | And I told Josie, "If he can't get here," I said,
5 | "I know we can depend on him." She said, "Sure you can;
6 | he'll be here." So I said, "I might have to pick the truck
7 | up and go up there." And I said, "Well, I know he'll be
8 | here." But he did come, and about the time he come, she
9 | kept asking me about that. Josie, my wife, she took it and
10 | she didn't know exactly what she wanted. She handed it to
11 | me and she started that, and I told her, "I don't really
12 | know."

13 | And I told -- I told my wife to take it and find
14 | out just what it is. I said, I don't have -- we have to --
15 | you know, I said, "He might be here in a minute," and about
16 | that time he pulled in. She kept that -- I handed to her
17 | and I said, "Take care of it." And then I said -- and I
18 | reached in my pocketbook to get the insurance out - AARP
19 | insurance - but I did -- or Medicare; I don't know what it
20 | was. But anyhow, I called; that's all I could do.

21 | I did -- I did promise them. I ask him to forgive
22 | me for not bringing them because I looked through there. I
23 | didn't see no marks for -- only thing, my wife, she looked
24 | through it, and she said "Anything here that you marked on?"

1 And I said, "If it is, it ain't much," you know, just
2 scribble or something like that. They was pretty well wore.
3 Only one I had new -- I had a couple of new ones in there.
4 I had one where you check your mileage. My wife bought me
5 that one around then, and the other one was regular
6 interstate, square, a real nice one. But I forgot it; I
7 forgot it; it's down there. I really didn't forget it. I
8 had it laying out there.

9 Q That's all right.

10 A That woman come about the time I was coming
11 -- called. And I still don't know about her insurance. I
12 said I'd get the wife to take care of it.

13 Q Sir, did you haul from any other facilities
14 in Illinois or anywhere near Kankakee, other than just the
15 one that you've -- that you've been talking about today?

16 A Not anywhere between -- a campground close
17 to Kankakee. I have hauled right there close to Kankakee,
18 but I was on over the road, another company. It was not
19 Obitts.

20 Q Okay. While you were hauling for Obitts,
21 you didn't haul from anywhere else in the -- in Illinois,
22 other than the one Kankakee facility?

23 A Now, I've hauled some from -- I'm not sure
24 about in Chicago; I'm not -- I went through it most of the

KRM

1 | time. I don't think -- I can't remember too much in -- in
2 | Illinois. Well, these you're talking about, I don't
3 | remember much.

4 | Q Would it be fair to say that you hauled
5 | from several locations in Illinois when you were hauling for
6 | Obitts?

7 | A Well, that one down there is -- is most the
8 | one. There could have been more.

9 | Q There could have been some other
10 | facilities?

11 | A Yes, there could have been.

12 | MR. ROBERTSON: All right, sir. I don't think I
13 | have anything else for you right now, sir. Thank you.

14 | MR. McWILLIAMS: Mr. Johnson, would you like to
15 | take a break for a minute?

16 | THE WITNESS: It's up to you, if you want to. Yes,
17 | I believe I'd like to get a drink of water.

18 | MR. McWILLIAMS: That'd be fine. Why don't we take
19 | a short break.

20 | (Short Break Taken)

21 | **EXAMINATION**

22 | BY MR. McWILLIAMS:

23 | Q Good afternoon, Mr. Johnson. My name is
24 | Doug McWilliams. I'm an attorney for the CRS Site Group, a

KRM

1 | group of companies who are helping investigate and clean up
2 | the Sierra site where Obitts Chemical did their work.

3 | I'd like to ask you a number of questions about
4 | what went on while you worked there starting in 1965, if I
5 | may. How are you feeling this afternoon?

6 | A Pretty good, well enough.

7 | Q Good. In 1965, when you started working at
8 | the Obitts Chemical site, how many trucks were in operation
9 | when you first started?

10 | A When I first started, they had one binder,
11 | which I called a binder - it's the International --

12 | Q Yeah, let's -- let's take them one at a
13 | time. One binder?

14 | A One, just one International tractor and --
15 | tractor.

16 | Q One tractor?

17 | A International.

18 | Q International?

19 | A Yeah. That's the one I knowed him to have.

20 | Q So --

21 | A That's the one I started on.

22 | Q So, in 1965, there was just one truck?

23 | A No, there was three.

24 | Q What was the second truck?

1 A The second was a B model Mack, a B model
2 Mack.
3 Q A B model Mack?
4 A If you don't know what it is, I'll tell
5 you.
6 Q Please do.
7 A A B model Mack is a shorter Mack, and, in
8 the back of it, if you notice, the doghouse here is pretty
9 well crowded up, and, in the back of the cab, it was
10 rounded. Now, the other Mack's square.
11 Q Okay. So the B model Mack was the second
12 truck?
13 A Second.
14 Q And what about the third truck?
15 A Same thing.
16 Q It was also a B model Mack?
17 A Uh-huh, but both just alike. That's what
18 we always called it, me and most drivers.
19 Q Now, each of these what we're calling
20 trucks --
21 A Yeah.
22 Q -- they were cabs that could pull trailers --
23 A Yes.
24 Q -- of different types?

1 A Both of them, all --

2 Q All three of them?

3 A All three of them.

4 Q And how many different types of trailers

5 were available in 1965 when you started working at Obitts

6 Chemical?

7 A I'm not for sure, but I believe it was two,

8 maybe three at the most -- not over two, I don't think,

9 maybe not quite.

10 Q Could you describe the first one for me?

11 What was the first trailer that you recall?

12 A Well, only way I can drive -- describe

13 either one would be -- there was a Fruehauf, as well as I

14 remember, sort of round nose. And a lot of them, in the old

15 Fruehaufs used to have --

16 Q Oh, the Fruehaufs, is that what you're

17 saying?

18 A I think they both were Fruehaufs, I

19 believe. And anyhow, them particular Fruehaufs, they was

20 rounded on the nose, and they had that like stainless steel

21 on the outside, especially on the header you know.

22 Q And so this first trailer, this Fruehauf

23 trailer we're talking about, was it a box trailer?

24 A Yes.

KRM

1 Q So it was something you could put drums
2 inside?
3 A Yes.
4 Q And the second trailer, was it also a box
5 trailer?
6 A Yes.
7 Q And how would you describe that? How was
8 it different from the first?
9 A I believe it was about the same, but one of
10 them, I believe, might have been a little shorter, and I
11 stand corrected on that one. I -- I'm not positive.
12 Q So about the same, but it may have been
13 shorter?
14 A May have been.
15 Q Was there a third trailer that could be
16 pulled by the three trucks when you started in 1965?
17 A I don't believe so when I started in '65.
18 Q Were there tankers that these trucks could
19 pull in 1965?
20 A At that time? Just what they asked me
21 about, that was two tankers, I believe. Now, I have to back
22 up in that little bit to make sure. I'd say two at that
23 time.
24 Q And describe the first tanker for me if you

KRM

1 | would, please?

2 | A Well, the first tanker, I think, was
3 | stainless steel. It was a 5,000-gallon tanker. And it was
4 | -- it was just -- that's about all I know. It's a 5,000-
5 | gallon tanker, four compartment.

6 | Q Four compartment?

7 | A Yes.

8 | Q Anything else you know about this tanker?

9 | A Yeah, I knowed it was a good tanker. It
10 | was a real good one, one of the best they've ever had, I
11 | guess. It was a good one and talking about hauling out of
12 | New York, that's the one I used. And it's -- I say it's a
13 | real good one. The last time I seen it, he still had it.

14 | Q And the second tanker?

15 | A Well, the second tanker -- first, I mean --
16 | now, I'll get into that a little bit later. The second
17 | tanker was what we called a dirty tanker. That was for
18 | dirty solvents and stuff like that to be disposed of,
19 | whatever. As far as I know, that was their two. And, now
20 | later on --

21 | Q Do you know how -- what the capacity was of
22 | the dirty tanker?

23 | A It might have been 5,000 gallons, but I --
24 | I don't think it was four because that other tanker, it --

KRM

1 | it was a whole lot more. It was about five. I did know
2 | every compartment, but I don't now. I could tell you every
3 | compartment, but it's been a long time. Well, it ain't only
4 | been a long time, I just forgot.

5 | Q Were there any other trailers or tankers
6 | that could be pulled by these three trucks to transport
7 | solvent in 1965?

8 | A '65, no.

9 | Q Now, let me walk back for a minute to each
10 | one of these separately. You described two tankers; one you
11 | described as dirty solvent tanker. What was the other one
12 | called?

13 | A Just clean tanker. That's what we always
14 | referred to it.

15 | Q Did you pick up solvent in the clean
16 | tanker?

17 | A As far as I know, we didn't.

18 | Q As far as you know, you did not?

19 | A Now, but I can't say because when they
20 | picked up in New York for the other company, like we said
21 | was out of business, some of theirs might have been soiled a
22 | little bit, but a lot of it looked pretty clean to me. Most
23 | -- and I -- I got a good -- I loaded it myself when they
24 | brought them in. Some of that looked like fairly good

KRM

1 solvents, you know. I mean, it didn't look soiled.

2 Q So the clean tanker did bring solvent to

3 the Obitts' Chemical site?

4 A Yes, yes.

5 Q And the dirty solvent tanker was used to

6 bring solvent to the site?

7 A Most of the time or majority of the time.

8 I'd say most of the time.

9 Q Did you ever deliver clean solvent to a

10 customer using the tanker trailers?

11 A The clean one?

12 Q Yes.

13 A Yes, I did.

14 Q Did you ever use the dirty solvent tanker

15 to transport clean solvent to a customer?

16 A Not as I know of.

17 Q Did you have any other vehicles that were

18 used in 1965 to transport liquid solvents, other than the

19 drums -- liquid bulk solvents?

20 A At that time, I'd say no.

21 Q Okay. So let's talk for a moment about the

22 box trailer. You described two box trailers as Fruehauf

23 trailers?

24 A Yes.

1 Q One slightly larger than the other;
2 correct?
3 A Possibly, probably, it's possible.
4 Q Those were use to pick up drums from
5 customers; is that accurate?
6 A Yes, they was.
7 Q Were both trailers used to pick up drums
8 from customers?
9 A When need be, yes.
10 Q Did you drive a truck that pulled those box
11 trailers, one or two?
12 A Yes.
13 Q The first trailer, the larger of the two
14 trailers, how many drums would fit inside of that, lining
15 them up at the nose end of the trailer across from left to
16 right?
17 A I'm not for sure, but I know, in the nose,
18 it's probably three. I think --
19 Q Probably three?
20 A -- you could get maybe four after that; I'm
21 not for sure. There's a difference there.
22 Q Okay. So three in the first row, but there
23 might have been a little more room as you move back in the
24 box?

KRM

1 A If it was, it was very small, but it was a
2 little room, maybe.

3 Q So three --

4 A I think it was.

5 Q -- three to four wide?

6 A Yeah.

7 Q And then how many deep? How many could you
8 stack from nose to the back?

9 A Well, seemed to me like most of the time we
10 done it -- we done it on the nose, about all the time, or I
11 believe the majority of the time was on the nose.

12 Q And how -- I'm sorry, go ahead.

13 A I don't think we put over -- on the nose, I
14 don't think we put no 20, maybe -- maybe, I'd say about 15
15 or something like that, maybe less.

16 Q Well, how many rows would you be able to
17 put inside the trailer, the box trailer, the larger one? If
18 you -- do you know what I mean by rows?

19 A Yeah, I know what you mean. As far as I
20 remember, I say around six or seven. It's hard to answer
21 that because, see, when I was driving -- this is off the
22 record. When I was driving over the road, we hauled the
23 biggest they had. The fact about it, they had one, I don't
24 even know is allowed on the road now. That thing's around

1 55 foot.

2 Q This is for Obitts or for --

3 A No.

4 Q -- another company?

5 A No, no. This is off the record.

6 Q Okay. For someone else.

7 A That's the reason I have trouble remember
8 that because there's a difference. Them White trailer I
9 hauled for them, man, we could haul 4,000 pound and the
10 thing would be full to the top.

11 Q Uh-huh. So at three to four across and six
12 to seven deep, it would be, using my math here, as limited
13 as it is, eighteen to twenty-four drums per load? Does that
14 sound right to you? More or less?

15 A I think just a little bit more.

16 Q What would you estimate the typical load
17 that you picked up from a trailer, how many drums?

18 A I'd say, on the average, it was pretty near
19 loaded, I'd say about 40, maybe a little bit more than that.

20 Q So at four wide, it could be as many as ten
21 deep then to get to forty in your trailer, or did you stack
22 them sometimes more than one high?

23 A Now, some in Kankakee, that's where we
24 tried -- that's the only place I remember stacking. And I

KRM

1 | don't even remember how -- we had to get it in there on that
2 | nose; I don't even know that. That's not on this...

3 | Q Now, the second trailer, you indicated
4 | might be a little bit smaller?

5 | A Possible.

6 | Q Would you have also hauled an average of 40
7 | drums in that trailer, or would it have been less?

8 | A Well, if I'm correct on that, it'd be a
9 | little bit less.

10 | Q Approximately how many less?

11 | A Not over three, maybe four at the most.

12 | Q So maybe one -- one fewer rows back?

13 | A That -- that sounds reasonable.

14 | Q Okay. So, in 1965, we have these three
15 | trucks, and they can pull four different trailers, two box
16 | trailers and two tankers?

17 | A That's right.

18 | Q Right?

19 | A Right.

20 | Q And, in 1965, your role was not as a driver
21 | so much, but as someone who operated equipment at the site;
22 | correct?

23 | A That's correct.

24 | Q What equipment at the site did you operate?

1 A Well, occasionally, tow motor or something
2 like that, fork lift or whatever you want to call it and --
3 or maybe just fooling around in the yard or something, you
4 know. I didn't fool around too much around the steel when
5 they got their tanks and something like that. As far as I
6 know, I didn't fool around them too much.

7 Q Anything other than the tow motor/fork lift
8 that you operated as part of your duties in 1965?

9 A Unless there happened to be something --
10 you had to go out or something like that, then you'd have to
11 go but, other than that, I can't say too much. I remember
12 one time I had to go out when Mr. Obitts was out, but that
13 was just out in the car. We had to help -- some business
14 had come up, but that was personal more or less. That was
15 for personal.

16 Q You mentioned earlier today that you did
17 some hauling to -- to Ross, the Ross farm?

18 A Bob Ross, yes.

19 Q Bob Ross' farm. Was that in the 1965/66
20 timeframe?

21 A Yes, it was.

22 Q Did you ever pick up anything when you went
23 to Ross' farm?

24 A Not as I know of, no.

KRM

1 Q No. And what vehicle did you take to the
2 Ross farm?

3 A The dirty tanker.

4 Q And later after 1965 or 1966, when you
5 started driving more regularly, did you ever take materials
6 from the Ross farm back to Obitts Chemical?

7 A I'm not sure of it. I don't think so.

8 Q Okay. Let's go back to the vehicles
9 because I want to make sure we get the history on when
10 vehicles were added or retired; okay? With the three trucks
11 and the four different trailer options, was -- what was the
12 next change that you are aware of, and approximately when
13 did it occur?

14 A Now, when it occurred, I can't tell; it was
15 later, a lot later after I started, and I don't think it was
16 too earlier before I quit. But, when I quit, I don't even
17 think it was there; it might have been. I'm not for sure.
18 They got a tanker. It was up -- I told Mr. Nash, and, well,
19 I don't know what they called them tankers. It was like a
20 double-bowl tanker. Maybe some of them is single-bowl.

21 Q Are you saying a double bow, b-o-w?

22 A Bowl, yes.

23 Q Bowl?

24 A Yes. It looked like bowls; that's what

KRM

1 they was. And most of them -- the reason I know, there's a
2 coal mine over around Summersville, I was over there
3 applying for a job one time. And they had them, and that's
4 what they -- they haul at the mines.

5 They hauled rock dust to the mines, I think. I
6 think they had to have dust to put in the mines to keep from
7 explosion or something. They were big tankers. They're
8 long, and, if you got chemicals in them or something like
9 chemical, they'll kill you, because you know --

10 Q Now, how did Mr. Obitts use this tanker?

11 A They have took some chemicals in them, not
12 very much. I never drove it much at all.

13 Q So, in 1972, when you left, they had this
14 additional double-bowl tanker?

15 A I'm not sure it was there then at that
16 time. I don't believe it was. But it was there before
17 that. They had it just a while. And we never took it out
18 very much as far as I remember.

19 Q Was it used to transport dirty solvents
20 from customers to the Obitts' Chemical site?

21 A Possible. Yeah, on that, I'm possible; I'm
22 not sure on that.

23 Q Was it used to transport clean chemicals to
24 customers?

KRM

1 A I don't think so. I don't think so.

2 Q Are you certain about any use for this

3 trailer --

4 A Well --

5 Q -- this double-bowl tanker?

6 A I -- I used it one time, and it about

7 killed me.

8 Q And how did you use it?

9 A I forget where I took it. I don't know if

10 it was -- I'm just guessing because I hate to say, but I --

11 I did have it one time, and it might have been at Allside.

12 If it was, it might have been picking up dirty; I don't

13 know. But I had it out one time, and I can't -- I don't

14 know if I did anytime after or not. I sure didn't want to.

15 Q And what made it dangerous?

16 A Well, it's so far back from you the way

17 it's hooked up, and then it's -- your hookup is a lot

18 longer. Where your fifth-wheel goes on, you got quite a

19 space back before you go -- what you might say the tanker,

20 or what I say is a cone-like thing. And I think the one

21 they had might have been one big one, seemed to me like it

22 was. And I didn't know too much about describing that

23 thing.

24 Q Do you know how much it would hold?

1 A Well, it could hold quite a bit. I imagine
2 you get -- oh, you get 4,000 on it, I'd say. But if it was
3 liquid, you don't go very far on 4,000 with it; it'll
4 probably kill you, back and forth, momentum, you know.

5 Q Oh, you mean it sloshed back and forth?

6 A Yeah, on a tanker, if you don't know it,
7 like chlorine and stuff like that is heavier. Well, like
8 one time when I first hauled any of that perchlor I was on
9 Ohio Turnpike. And, when I come up the toll exit, I was
10 about a quarter of a mile from the toll exit, and I ended up
11 a half a mile beyond the toll exit. I got to the toll exit,
12 and that thing hit me in the back, and I went -- I kept
13 going. I had to go back and pay my toll.

14 Q Now, was that -- was that when you worked
15 for Obitts or somebody else?

16 A That's Obitts.

17 Q And you were hauling perchloroethylene?

18 A I think it was perchlorine or --

19 Q Perchloroethylene?

20 THE WITNESS: Yeah, it's trichloroethylene and
21 stuff like that. I know it's a couple of them, they were
22 heavy. They were like about, I think, 15 pounds or maybe
23 more to the pound -- gallon, and that's right pretty heavy
24 stuff.

KRM

1 BY MR. McWILLIAMS (resuming):

2 Q Do you remember which toll booth you were
3 going through at the time?

4 A It would be the right one to Toledo.

5 Q To Toledo?

6 A About there. It'd be the last one.

7 Q And do you remember where you picked up the
8 solvent?

9 A I picked it up at the terminal at Obitts.
10 As far as I remember, that's where I got it.

11 Q You picked it up at the Toledo port
12 terminal?

13 A No, at Elyria.

14 Q You picked it up in Elyria at the Obitts
15 facility?

16 A Yeah. That's what I'm talking about. That
17 -- that was the first time I ever hauled that, and I think
18 -- I forget where I delivered at.

19 Q But you were hauling clean solvent from
20 Obitts to a customer; is that correct?

21 A As far as I know, it was clean, as far as I
22 know.

23 Q But you would -- the intent was to deliver
24 it to a customer as opposed to bringing it to the site?

KRM

1 A Yes, it was. But I'm not sure that was
2 dirty; I'm not sure. Now, all of it, if it's clean or
3 dirty, you better know what you're doing.

4 Q So, if you would, give me your best
5 estimate about how long this 4,000-gallon cone tanker was in
6 service at the Obitts Chemical facility?

7 A I'd say, the most, not more than a month or
8 two, maybe a little longer; I don't know. I never paid much
9 attention to it.

10 Q Do you know who was the primary driver for
11 that trailer?

12 A Well, I drove it one time, and I -- I guess
13 some of the other guy did, too, probably. But myself, I can
14 say one time I remember. We know everybody -- none of them
15 liked it.

16 Q And, at the time that you had this double-
17 bowl or single-bowl tanker, were there then five trailer
18 options? There was still the two boxes and still the two
19 other tankers?

20 A At that time, I'm not for sure. The reason
21 I'm not for sure, that picture I got here, I don't know if
22 you've seen it or not, that picture there (indicating) --

23 Q Uh-huh.

24 A -- that tanker there, I don't exactly when

1 | they got that tanker.

2 | MR. NASH: What is the date on the photo, Doug?

3 | THE WITNESS: On the trailer, it --

4 | MR. NASH: On the front, it show number that's
5 | printed -- August of --

6 | MR. McWILLIAMS: August of '68.

7 | THE WITNESS: Now, '68, now, if I didn't know that
8 | -- and he asked me but I told him I had it. That's the one
9 | I told him before we didn't have but them two.

10 | MR. McWILLIAMS: Right.

11 | THE WITNESS: And I -- I told them they didn't have
12 | but two. And one of them drivers, he was a driver that
13 | started on that Maxidine before I did and --

14 | BY MR. McWILLIAMS (resuming):

15 | Q Before you go on, I'm sorry to interrupt
16 | you, what -- how did you refer to the tanker in the picture,
17 | August of 1968?

18 | A Well, how I referred to it, I'm just
19 | looking at right now, it was tanker Mr. Obitts bought, and I
20 | thought it was a good while after '65. I don't know. But I
21 | thought it was on up there. I knowed I drove it, hauled it
22 | a few times, quite a few times.

23 | Q And do you know how many gallons this
24 | tanker held?

1 A Looking at it now, I forgot, but looked to
2 me at least 7,000 or better. I can see 7,000.

3 Q And this tanker in the August 1968 picture,
4 do you know how long Mr. Obitts used this tanker?

5 A We used it quite a bit, I think.

6 Q It was not there in 1965 when you started;
7 is that correct?

8 A No, no.

9 Q So it was sometime between 1965 and August
10 of 1968 when Mr. Obitts acquired this tanker?

11 A That's pretty near the time he got it.
12 That's almost correct. That's pretty near it.

13 Q Close to August 1968?

14 A '68, yeah.

15 Q Okay. And then was it still in use when
16 you left in 1972?

17 A Yeah. It was in use when I left, as far as
18 I know now.

19 Q So as far as you know, from 1968 to 1972,
20 Mr. Obitts had a 7,000-gallon tanker in his fleet?

21 A Well, to me, it look -- I think it was
22 about around 7,000.

23 MR. McWILLIAMS: About 7,000, thank you.

24 MR. NASH: Doug, do you want to have that marked?

KRM

1 MR. MCWILLIAMS: I would like to have this marked.
2 Let's mark this as Exhibit 1 unless -- you didn't mark
3 anything earlier; did you?

4 MR. NASH: No, I didn't, and I just mentioned that
5 we could just borrow it from Mr. Johnson and have copies
6 made of it, but we could identify it if you're going to ask
7 questions about it.

8 THE WITNESS: Well, I did want it back, but, as far
9 as I'm concerned, if he wants to keep it, keep it.

10 MR. MCWILLIAMS: We'll make sure you get it back,
11 and we'll make copies for our benefit.

12 THE WITNESS: That's -- that's okay.

13 **JOHNSON DEPOSITION EXHIBIT NO. 1 FOR IDENTIFICATION**

14 Copy of photograph was thereupon marked as above indicated.

15 BY MR. MCWILLIAMS (resuming):

16 Q And the gentleman in the picture?

17 A That's me.

18 Q That's you?

19 A Yeah. Now, Russ bought that tanker, I
20 think it was after that date - I mean, whatever, right in
21 there some time - he bought that up in Michigan somewhere.
22 It was a used tanker, and he bought it up in there, as far
23 as I remember. I was up there with a load, and he sent Jim
24 Jackson. When I found that there, I thought back.

KRM

1 Well, Jim -- that was just after Jim had his heart
2 attack or just before. Russ must have had him take the
3 other Mack up there, the old Mack up there and pick it up.
4 Now, I was up there with a load and come back from -- from
5 Jones, a load of solvent, Jones Paint Company.

6 Q Jones Paint Company, and where was that?

7 A That's on Caniff, Caniff Street up in
8 Detroit.

9 MR. NASH: James Dabney.

10 THE WITNESS: It's -- yeah, it's on the record.
11 It's Caniff in Detroit. And I'm right sure the load I had
12 coming back -- when Jim went up there to get that tanker, I
13 knowed he was up there, and I kept looking for him. I went
14 up to get a load. I knowed he was going up there Bobtail to
15 get that tanker. That's what they mean about Bobtail if you
16 want to know. He had the tractor, not the tanker.

17 Well, when I got back down close, just before I got
18 down close to Ohio coming back, I got behind him, and he had
19 to cross the Ohio scales before you get to -- right there
20 before you go to Ohio somewhere; I forget where it was at
21 there. But anyhow, we had to go across the scales and he
22 was in front of me.

23 Well, so they pulled him up and tagged him, but
24 they just give him a stiff lip. And I knowed when he got

KRM

1 pulled on that scales, they're going to give him a ticket
2 because he had mud -- mudflap, a piece about that much
3 (demonstrating) like that, is all he had.

4 BY MR. McWILLIAMS (resuming):

5 Q But would he have been overweight or
6 underweight?

7 A No, it was empty.

8 Q It was empty.

9 A Russ just bought it. And then, when he
10 pulled out, he went on down. Before we got in the yard, he
11 had to stop for something. I went up there, and he said,
12 "You know what they got me for?" I said "mudflap." He
13 said, "No." I said, "What'd they get you for?" I said,
14 "You ain't got no mudflap." I said, "Man," I said, "I seen
15 him back around that wheel." I said, "Was it a tire?" He
16 said, "That's what they got me for." He said, "Now, how
17 stupid can you get?" I told him it wasn't too bad.

18 Q This picture, the August 1968 picture
19 marked as Exhibit 1, there's a red truck cab.

20 A It's a White. That's a new White, or it
21 was when we got it. I forget when we bought that.

22 Q I want to go back for a minute to -- there
23 were three -- there were three tractors when you started, an
24 International and two Macks --

KRM

1 A That's right.

2 Q -- is that correct?

3 A Correct.

4 Q So at some point Mr. Obitts also acquired

5 this red truck?

6 A Yes.

7 Q And this red truck --

8 MR. NASH: I believe it was a newer model. White

9 is the manufacturer.

10 MR. McWILLIAMS: I understand that.

11 BY MR. McWILLIAMS (resuming):

12 Q And the red truck is manufactured by White?

13 A Yes.

14 Q And do you recall when Mr. Obitts would

15 have acquired the White truck?

16 A No, not really. I drove it quite a while;

17 I know that.

18 Q Well, we -- we know, because it's in the

19 picture, it was prior to August 1968?

20 A That's how come -- I forgot -- now, you're

21 not going to believe this. That's what I said I when I come

22 in. I'll show you that picture, but you ain't going to

23 believe that I didn't know they had it, but I didn't. I

24 didn't know it till I found that picture, because the reason

KRM

1 I found that picture, I started looking. They called me, and
2 I told them about the other driver. I told them I don't
3 know his name. They asked me. I said, "I don't know; I
4 forgot."

5 I said, "There's one -- one young boy there started
6 awhile before I quit." I said his name is Stan. I didn't
7 know his last name, but I found out it's Reed; I believe
8 it's Reed. I'm not for sure, but that's what I found. I
9 was looking through everything I had to find. I got one of
10 these here where you keep your records when I was in Ohio.
11 I ain't got it -- I got just a little bit of it left.

12 That's the reason I -- that's why I'm sure it's
13 them. If I had more, but I didn't have no more in that
14 where I keep my phone records and everything. Well, I got
15 in there, and I found that little driver that drove that
16 Maxidine. And then -- then I found Stan's name, Reed, as
17 far as I could find out. And then the guy that hit the
18 trailer underneath the overhead. I forgot his name, but I
19 knowed it. I found his name. He had to come down just a
20 while before he done that. He wasn't there very long. He
21 drank a lot, and he went over to Pennsylvania to get a load
22 of stuff, and I told him not to go on the -- about the
23 underpass.

24 Q And, Mr. Johnson --

1 A But he tried it. His name was there.

2 Q Okay. Mr. Johnson, do you recall how much,
3 before August of 1968, Mr. Obitts would have acquired this
4 White truck that's in the picture, Exhibit 1?

5 A 1968, quite a while. It was a good time.

6 Q Would he have had the truck in 1967?

7 A I think he would, near that time.

8 Q As early as 1966?

9 A No, I don't think '66. Now, when I first
10 got driver second, that truck, I think, was new, might even
11 got it after I started driving -- new.

12 Q Okay. Well, that helps sort of frame in
13 the time --

14 A Yeah.

15 Q -- of when you were the first, second and
16 third driver, as well.

17 A Yeah.

18 Q So you -- you became the driver about the
19 same time that this White truck was acquired?

20 A Just about the same time or just after it
21 because the reason I know it was just after, after it was
22 new, I had to take it back in, something about the gear and
23 right here on the rear-end, and that's like a lot of trucks,
24 you have to, you know -- cars, anything else. And I did

KRM

1 take it in, as far as I know, and I think I was driving it at
2 that time.

3 Q So, when Mr. Obitts acquired the White
4 truck, the fleet consisted of one International, two Macks
5 and a White, so there were four trucks in operation?

6 A Yeah, and --

7 Q And then --

8 A We had one truck there. I don't know. I
9 think it was a White, but I -- I can't remember what year
10 that was in between this one. It was before this one or
11 after -- or before this and -- and just after the other
12 Maxidine.

13 Q So there was a second White truck?

14 A I think there was. I think that was a
15 White. But, I'm not exact sure what it was, but it was a 13
16 speed, and that's the highest speed you can have. That's
17 pretty high speed on a tractor. They've got them more; they
18 got them a whole lot less. That high speed, the only way to
19 change the gears on it, you've got a button over here and
20 you push, you got a button over here you push, and you have
21 to push a button.

22 If you start out in one gear, you go out and you
23 miss that gear, you have to start that first button or you
24 ain't going nowhere. And you have to do that all the way

KRM

1 through your gears. That's how come I know it was a White.
2 They're hard to drive, I mean, unless you know. I loved it
3 after I got through -- used to it. But Jim added a jump
4 seat in there. I guess it got -- because that thing would
5 run, you know, pull good.

6 And I think before -- must been before he quit or
7 something, I remember when he had the heart attack maybe
8 because he brought -- he brought that jump seat out of that
9 -- in that; he brought it himself.

10 And then I think -- I told him, I said -- I said,
11 "You're going to have something to" -- I said, "You got
12 something there you -- you had to pay for." He said, "No,
13 I'll take it out." But I don't think he took it out. As
14 far as I remember, he didn't take it out.

15 Q Well, in 1960 --

16 A He left the ** after that.

17 Q Okay. In 1967 then there were -- were
18 there five trucks in the fleet, the two Whites, an
19 International and two Macks?

20 A 1968, I'm not for sure about this one
21 (indicating), but I'd say -- did you say five?

22 Q That's what I'm asking.

23 A I can't hardly say five; I can't tell,
24 probably.

KRM

1 Q But there was some point where there was a
2 second White truck?

3 A Yes. It looked like a older truck, and,
4 like I said, it had a little jump seat, and the jump seat,
5 what I mean -- if you don't know what I'm talking about is,
6 you haven't got nothing over here, just a tool box. They
7 got a metal box there. It's about that high (indicating),
8 metal over it, and it had a little seat on it, hard seat.
9 And the reason Jim brought that there seat of his, it cost
10 him I guess two or three hundred -- oh, three or four
11 hundred dollars. He bought it himself.

12 I mean, you're a driver. You -- you put a lot of
13 money on a seat or you ain't going to have no back. And
14 that thing, I mean, you sit -- you sit the air on it, you
15 can ride just as fast as you want to on air. That -- that's
16 how come I know about that one.

17 Q Now, do you know how long Mr. Obitts would
18 have operated that second White truck?

19 A It's quite awhile.

20 Q Was it there when you left in 1972?

21 A I'm not for sure; it could have been.

22 Q And was this White truck that's in the
23 August 1968 picture, Exhibit 1, was it in use in 1972 when
24 you left Obitts?

1 A Yeah, as far as I know.

2 Q Now, you also mentioned a Maxidine truck?

3 A Yes.

4 Q Do you recall at what time the Maxidine

5 truck was added to the Obitts' fleet?

6 A I don't know. It was after this one. We

7 had that one quite a long time when it was added. It was

8 the last one added to it, I know that, as far as I know, for

9 sure.

10 Q And the Maxidine truck was there in 1972 --

11 A Yes.

12 Q -- when you left?

13 A Yes, it was.

14 Q And do you -- can we move back from 1972?

15 Do you recall how long it was there before you left?

16 A Not too long. It was there when I went

17 over to Pennsylvania like I believe you asked me before --

18 he asked me before, through Fort Knox and all that. It

19 wasn't too much long after that -- I mean, before it. I

20 mean, when I left there, that Maxidine, it wasn't too awful

21 old.

22 Q One year old or more?

23 A I don't think it's a year old; it might

24 have been, but I don't think so.

KRM

1 Q So it was something less than one year old --
2 A Probably, yeah.
3 Q -- in 1972 when you left?
4 A That's what I -- I say yes.
5 Q Were there any other trucks that were in
6 the Obitts' fleet during your period of work from 1965 to
7 1972 --
8 A Nothing --
9 Q Go ahead.
10 A Nothing but a straight truck. They did
11 have a straight truck, and it was a -- a little box straight
12 truck, what -- you might say a delivery truck.
13 Q And the straight truck or the delivery
14 truck did not haul trailers; correct?
15 A No, no.
16 Q So do you know how many -- it would be used
17 to transport drums; correct?
18 A Yeah, but it wouldn't be so awful many; I
19 don't know.
20 Q Can you estimate how many drums would be
21 transported in the straight truck?
22 A Well, you wouldn't haul half as much you
23 would on a trailer, so it'd be a little less than that, half
24 of a trailer load so --

1 Q So less than 20?

2 A I don't -- you --

3 Q If a trailer was 40?

4 A Well, you might where -- it'd be a little

5 less than 20. It'd be pretty close. That would be five

6 rows and so probably a lot less than that on what I'm

7 talking about.

8 Q Okay. You could still fit three to four in

9 each row?

10 A Yeah.

11 Q But only five -- four to five back?

12 A Not no more than that, I don't think.

13 Q Okay, all right. Mr. Johnson, which of

14 these trucks and trailers did you drive? Let's start with

15 1967 or thereabouts when you became the second driver?

16 A Yeah.

17 Q Am I right, first of all, that your first

18 role as a truck driver, was that as the third driver or the

19 second driver?

20 A Third driver.

21 Q So, as the third driver, which truck did

22 you operate?

23 A As the third driver?

24 Q Yes.

KRM

1 A Was International.

2 Q And were you the only driver of the
3 International?

4 A Not necessarily, but pretty near it --
5 probably was. But, if I was working in the yard, anybody
6 that needed it could take it -- should be able to.

7 Q And what trailer would -- did you primarily
8 haul with the International truck or tractor?

9 A Well, I think I did with the -- I did with
10 the old dirty tanker for sure, but I don't remember hauling
11 any clean stuff with that or -- probably did, but I don't
12 know.

13 Q So you recall hauling dirty tanker loads to
14 the site; you don't recall transporting clean solvent in the
15 clean tanker. What about the trailers, the box trailers,
16 did you haul those with the International Harvester as the
17 third driver -- third truck driver?

18 A I imagine I did; I'm not for sure. On that
19 International, I'm not too sure how long I run -- used it.

20 Q So the International was capable of hauling
21 that box trailer; wasn't it?

22 A Oh, yeah, yeah, you could do that.

23 Q But, as the third driver, you were
24 primarily driving the dirty tanker?

1 A As a rule, yes.

2 Q And then when you became the second driver,
3 what was your primary tractor?

4 A Well, it was a Mack, Maxidine. I forget
5 the numbers of them. They was numbered, I believe. But
6 anyhow I got one of the older ones. They was pretty near
7 the same age and they was pretty nice tractors.

8 Q But this was one of the Mack trucks that
9 was there when you started in 1965?

10 A Yeah, it was there then.

11 Q And what did you primarily haul? Was it
12 still the dirty tanker?

13 A No. Occasionally, I might haul clean with
14 it, but like I said before, when I was second driver, most
15 times I -- time I used with that was be probably in
16 Cleveland to Sherwin Williams, places like that. And like
17 he asked before for Glidden, I remember delivering a load in
18 Glidden there once or twice.

19 Q And which trailer would you use for those
20 trips to Cleveland?

21 A Five thousand gallon Fruehauf.

22 Q The 5,000-gallon --

23 A For clean load.

24 Q -- tanker?

1 A Yeah, for the clean load. Now, Sherwin
2 Williams, most of the time, that's what I used for Sherwin
3 Williams was 5,000-gallon tanker.

4 Q Did you also take a box trailer to
5 Cleveland as the second driver and pick up drums?

6 A I'm almost sure I did, but I don't know. I
7 don't pick up much drums at Sherwin Williams. Sometime, we
8 did, I believe. It seemed to me like I might have, so I'm
9 not too positive on that.

10 Q Would you say your primary trailer was the
11 dirty tanker or the clean tanker?

12 A My primary probably would be -- well,
13 starting out, would probably be the dirty one, like I said,
14 being the third driver. But going up in there, I'd say my
15 favorite was the clean one, for sure.

16 Q And that -- that's as the second driver?

17 A Oh, yeah.

18 Q Your favorite would be the clean tanker?

19 A Yes, yes.

20 Q Is that also the one you used most often?

21 A Most often, yeah, because a lot of times,
22 Sherwin Williams, I went there quite often, and quite a few
23 times, I'd be in there before Jim would. You know, he just
24 -- Jim would take a pick and he'd just take what he want,

1 and we good friends, too, you know. But quite a few times,
2 I was in there with that clean tanker.

3 Q So how did this work, the relationship
4 between the first driver, the second driver and the third
5 driver? When Jim Jackson was the first driver, how would
6 you get distributed your work for the day or the week?

7 A Jim would get it first, whatever he wanted,
8 and then the other driver, he'd get what's left, and I'd be
9 on the bottom.

10 Q So, as the third driver, you were getting
11 whatever the first two drivers didn't want?

12 A Yes.

13 Q And then, as second driver, you were
14 getting whatever the first driver did not want?

15 A More or less, yes.

16 Q And the first driver at that time was Jim
17 Jackson?

18 A Yes.

19 Q Was he the first driver the entire time you
20 were the second driver?

21 A I'd say he was, most of the time. It was
22 pretty close to that time right there; it was real close. I
23 don't -- I can't be sure about that.

24 Q And you drove the Mack the entire time you

1 | were the second driver?

2 | A No, no. You mean the new Mack?

3 | Q The old Mack, the one that was there in

4 | 1965?

5 | A I drove it quite a long time.

6 | Q And, as the second driver, did you -- did

7 | you use other trucks, as well?

8 | A No, mostly just that one when I was

9 | assigned to that one.

10 | Q And then when you became the first driver,

11 | did you change trucks?

12 | A Yes. It was this one here (indicating);

13 | I'm right sure, positive, or not positive but pretty sure.

14 | Q And that was the White truck you --

15 | A Yeah.

16 | Q -- you're referring to the one in the

17 | picture?

18 | A Yes.

19 | Q And so, as the first driver, you hauled the

20 | -- used the White truck and you hauled which trailers?

21 | A I hauled that trailer there (indicating),

22 | and I hauled the other ones, too.

23 | Q So you hauled the 7,000-gallon tanker

24 | that's in the Exhibit 1 picture?

1 A Yeah.

2 Q And what else did you haul?

3 A Well, I probably hauled the other clean
4 tanker, I'm sure -- well, yeah, I did. That's how I took
5 most of my -- well, all my loads, as far as I know, clean
6 tanker, that tractor there when I took it in there. When I
7 was first driver, you're talking about?

8 Q Uh-huh. And when you were first driver,
9 did you also driver a box trailer to pick up drums?

10 A When I was first driver?

11 Q Yes.

12 A Yeah, I bound to. Yeah, yeah, sure I did
13 at the Jones Paint Company in Detroit. Of course, I
14 remember the majority of that was picked up in dirty drums.

15 Q Now, for the 7,000-gallon tanker truck --
16 tanker, do you recall where you went to pick up loads with
17 the 7,000-gallon tanker?

18 A It might be -- it probably -- possibly, I'm
19 almost sure, the one I picked up in New York off Lehman Tank
20 Lines, I probably had that one, but I never drove it too
21 much. But most time I went up there, I remember, I'd say it
22 was a stainless steel Fruehauf, the 5,000-gallon tanker.
23 Well, the majority of the time, that was the Fruehauf from
24 Lehman Tank Lines.

1 Q Do you recall any loads that you
2 specifically picked up with the 7,000-gallon tanker?

3 A Not really. I picked up some of them with
4 it; I'm not for sure which.

5 Q Okay. Were there any loads that you picked
6 up that were too large for the 5,000-gallon tanker
7 typically?

8 A That might have been; I'm not for sure.
9 I'm not for sure what it was.

10 Q And "that," are you referring to the
11 Jamestown, New York? When you say "that" might have been,
12 what are you referring to?

13 A Jamestown, no, I don't think so. Now, I --
14 I'm not too positive about that. I don't know.

15 Q I want to make sure that we have all of the
16 trailers that were in the fleet before we move on.

17 A Yeah.

18 Q We have a 7,000 gallon tanker, a 5,000
19 gallon clean tanker, a 4 to 5,000 gallon dirty tanker. Were
20 those all of the tankers in use in the Obitts' fleet during
21 your work from 1965 to 1972?

22 A The majority of them was; I think about all
23 of them.

24 Q Do you recall any other tankers that hauled

1 liquid?

2 A As far as I know, no. About the one I told
3 you about that double-bowl, I --

4 Q And the double-bowl, I'm sorry.

5 A But we didn't -- I -- most of us drivers
6 didn't even consider that thing a tanker.

7 MR. NASH: Doug, do you want to take a break here?

8 MR. McWILLIAMS: Yeah, that'd be fine.

9 (Short Break Taken)

10 BY MR. McWILLIAMS (resuming):

11 Q We're back on the record. Mr. Johnson, you
12 feeling all right?

13 A Yeah.

14 Q I'd like to talk to you a bit about the
15 adjacent properties around the Obitts Chemical site.

16 A Yes.

17 Q Now 1965, when you started, was Harshaw
18 Chemical in operation?

19 A Far as I know, they was.

20 Q And did Harshaw Chemical, as far as you
21 know, have any business with the CRS site?

22 A Now, what is "CRS"? That's what I --

23 Q I'm sorry, the Obitts Chemical Company.

24 A Yeah.

1 Q Yes.

2 A Because that might have been over where
3 Russ had that other place.

4 Q That's later in time.

5 A Well --

6 Q The time from 1965 to 1972 that we're
7 talking about was Obitts Chemical Company time.

8 A Well, that company you mentioned a while
9 ago, was it in -- in operation then?

10 Q No.

11 A I -- I don't know nothing about it, just
12 Obitts Chemical is all I know.

13 Q So during your period of work at Obitts
14 Chemical, are you aware of any business interactions with
15 Harshaw Chemical next door?

16 A The only thing I know, we was good
17 neighbors and that -- that's the only thing I know. Now and
18 then, I'd be around in the yard or something, I see some of
19 them over there working in the yard next to Obitts, but I
20 did -- I didn't pay too much attention. Now, some
21 attention, but I can't tell -- really tell you what they was
22 doing, but they was in there a few times. But that was some
23 of the workers.

24 Q And when you say they were "in the yard,"

1 | they were at the Obitts Chemical yard?

2 | A No. They was beyond that. We -- as far as
3 | I know, he had a fence down through there, and then they was
4 | beyond that. So it's -- I don't know -- I know a little
5 | about Harshaw, but that's pretty near what I know, seen them
6 | a lot and then I didn't pay too much attention to them.

7 | Q Did the Harshaw -- did material from
8 | Harshaw Chemical come to the Obitts Chemical site for
9 | processing?

10 | A That I don't know. If they did, I -- I
11 | didn't have nothing to do with it, so I don't know.

12 | Q When you observed Harshaw personnel
13 | operating on the Harshaw site, were there any times when
14 | material would move across the boundary to the Obitts
15 | Chemical site?

16 | A From them over to Obitts, I never -- I
17 | never seen.

18 | Q Did you ever see material discharged from
19 | the Harshaw site to the river?

20 | A No. I don't believe I did. Now, that's
21 | possible, but I don't never remember it. I believe, if it
22 | was, I believe we could see it.

23 | Q Do you recall ever seeing the -- the river
24 | turn colors?

1 A I did.

2 Q Can you describe that event for me?

3 A Well, the other guy, when they first
4 started asking me that, if I remember right -- now, I'm not
5 remembering this, I'm not putting that on or nothing; I just
6 don't remember. Everything you all's asking me, you know,
7 like I told you the truth as I know as you're asking me now.

8 Now, some -- you said about something they made --
9 they didn't ask me this, but whatever that was a while ago,
10 everything they said when they talked to me, they said the
11 same thing that was said here today. I mean, they said the
12 same thing every time they talked to me, and that's all I
13 know. They've been honest about whatever they said.

14 Q Do you have any independent recollection,
15 aside from what you've heard from others, that the river
16 turned colors during your 1965 to 1972 work history at
17 Obitts Chemical?

18 A Well, far as I know, like the other guy
19 told me, I told him no, I never noticed it. I said -- he
20 said, "Did you ever go over there and look?" And I said,
21 "Yeah, I -- once or twice," because the reason I didn't go,
22 everybody knowed that -- that river had been polluted or
23 something. That's what I -- so I didn't -- most of the time
24 I looked at it, it might be a different color, you know.

1 But I can't say I knowed Obitts pumping anything into it. I
2 can't say that. •

3 Q Okay. How is it that you knew the river
4 was polluted?

5 A Well, it's sort of dark looking, and then
6 sometimes maybe a different color, you know, or something
7 like that.

8 Q Any particular colors?

9 A No, I -- I wouldn't say particular because
10 I'd hate to be getting the wrong thing, but I'd say it -- it
11 wasn't normal; that's for sure.

12 Q I'd like to ask some questions about
13 customers that you recall or locations where you recall
14 picking up material and bringing it back to the Obitts
15 Chemical facility.

16 The facility that you described in the Dover/New
17 Philadelphia area, you described it as picking up material
18 from a wood paneling operation; is that correct?

19 A Yes, yes.

20 Q Do you recall the name of that wood
21 paneling operation?

22 A I don't remember the name of it, but we was
23 in there quite often. I believe it gets -- it's mostly take
24 stuff to them. No, I think we brought dirty back; I'm not

1 for sure. But I know we took -- I'm almost positive we took
2 clean stuff -- stuff to them. I think what it is, they was
3 using that for that paneling when they changed the colors
4 and everything, so I think we -- I know we picked up some
5 dirty stuff there. That's at Dover.

6 Q So you picked up some dirty stuff there,
7 and you delivered some clean solvent there, as well?

8 A I'd say yes.

9 Q And does the name Marlite ring a bell?

10 A That was them panels from Marlite.

11 Q That's the name of those wood panels?

12 A I believe. I'm not -- now, I -- I stand
13 corrected on that. I'm not sure, but that name rings a bell
14 when you mention that -- that particular place.

15 Q And does Marlite sound familiar for any
16 particular reason?

17 A Not too much.

18 Q Do you recognize it as a name of wood
19 panels?

20 A Well, when we bought our house here after
21 we come back, I had it built, and I done a lot of paneling
22 myself after that. And, if I ain't mistaken, I had some
23 Marlite paneling, if I ain't mistaken.

24 Q Do you recall how often you picked up or

1 transported material from the Dover facility to Obitts
2 Chemical?

3 A Occasionally. I don't think it was all the
4 time. It was occasionally.

5 Q Would "occasionally" be more or less than
6 once per month on average?

7 A It might be close to once a month, near --
8 I'd say maybe once a month. I know they was keeping pretty
9 busy there doing a lot of that paneling work, a lot. So I'd
10 say at least a month.

11 Q And was the Dover facility -- were you
12 picking up from the Dover facility when you were the first
13 driver?

14 A Oh, yeah, yes.

15 Q And, again, the time period when you were
16 the first driver was from the time you left in '72 back at
17 least a couple of years; is that right?

18 A I'd say pretty near it. I'd say it
19 probably was.

20 Q And did you pick up from the Dover facility
21 when you were the second driver?

22 A I think I did. I would have to say I did,
23 but I don't know how much. It was -- well, it could have
24 been just the same amount as the first driver.

1 Q Were there other drivers that you're aware
2 of that would have picked up from the Dover facility?

3 A Yes. The third driver could have been
4 sometime -- well, probably so.

5 Q Did you pick up from the Dover facility as
6 the third driver?

7 A I don't think I did. I might have; I don't
8 think so.

9 Q Who were some of the other drivers that
10 would have picked up from that facility?

11 A Well, I got on there, Stan Reed. He would
12 probably -- yeah, he would have probably, because the last
13 time I worked there, the last few times pick up and
14 everything, I didn't go there too much, that place.
15 Probably, Stan had been one. Gastin, yeah, he would
16 probably -- yeah, he would have delivered there or picked
17 up, for sure.

18 Q What about Jim Jackson, would he have
19 picked up there?

20 A Yeah. He would probably had to sometimes.
21 But he probably wouldn't pick up too much there. When I
22 first met Jim, I told my wife, I said, "That's the
23 scraggliest old man I ever seen in my life." I said, "He's
24 a bull-headed old goat." So a long time after that, I

1 bought my house, and I had -- had to build my walls over in
2 the basement. I put new walls in a lot. I put a pool table
3 in, had a regular place and I him down. I told him, I said,
4 "Jim" -- He got so he -- he got a little frantic after that
5 second driver. Him and that second driver didn't get along
6 very good and --

7 Q He got a second driver before you?

8 A Yeah.

9 Q What was his name?

10 A I don't know his name, but he was there
11 when I went. I -- I never paid no attention to him.

12 Q So when -- he was there when you were the
13 third driver; correct?

14 A Yeah -- no, no, when I was the third driver
15 -- yeah, third, yeah. He was there. He was there when I
16 started.

17 Q But you don't recall his name?

18 A No. Well, really did not even paid much
19 attention. He was always griping, griping about Jim. He
20 said, "Old Jim gets all out-of-state trips. He gets the
21 long trips," and "I don't get this" and I never cared for
22 that. And so I really didn't pay much attention.

23 Jim told me one time after, he said, "Don't worry
24 about it." He called me "Jim." He said, "Jim, don't worry

1 | about it," said "He won't be here too long. He's taking
2 | schooling." And he wasn't, you know, too awful long.

3 | Then this time I was talking about, I told Jim --
4 | he even brought me cake and stuff -- said something about a
5 | certain kind of a cake, rhubarb cake. I said, "I don't like
6 | that stuff." He said, "Oh, you will." So he brought
7 | rhubarb cake his wife made. It was delicious. I was
8 | telling my wife about it. She said, "Why don't you ask --
9 | ask him down?" Said "Does he like to shoot pool and
10 | everything." I said, "Yeah, he likes it."

11 | So I asked Jim, "How about coming down, you and
12 | your wife?" "Okay." He come down. We had a good time,
13 | shooting pool and everything. My wife said, "I want to ask
14 | you something." When they left she said, "Where's that
15 | bull-headed guy at?" I said, "Old Jim." She says, "Don't
16 | look to me like he is, seems to me like he's a pretty good
17 | person." And he was.

18 | Q Going back to the facility of Dover, did
19 | you pick up material there with a tanker?

20 | A No, not as I know of, not as I know; I
21 | don't think they ever did.

22 | Q Would you pick up there with a box trailer?

23 | A Yeah. We probably -- I think we probably
24 | delivered in a box trailer.

1 Q So they were -- it was a drum pickup then?

2 A Yeah, it -- yeah, it was drum work. It
3 wasn't no -- I don't remember no trailer in there.

4 Q Do you remember how many drums you'd pick
5 up at a time when you'd go to the facility in Dover?

6 A No, I don't. I couldn't tell you, but it
7 wasn't -- it wasn't no great big load, but it was worth
8 going and getting. But I'd say maybe a half load or maybe
9 almost a load or maybe -- not a full load, you know, but it
10 was worth going and getting.

11 Q How many would be the minimum that would be
12 worth going to get?

13 A I'd say about maybe 10, something like
14 that, or 15 or 20, you know -- 15, 10 or 15.

15 Q So when you would go to the Dover facility,
16 it would be approximately how many drums?

17 A I don't really know if we went and got
18 drums or not. Sometimes, there -- I -- I can't tell you how
19 much; I just don't know. The fact about it, we did --
20 wasn't that so awful much, but they was one of our customers
21 so -- so I don't know.

22 Q Do you recall a company, Canton Wood
23 Products? Does that name ring a bell to you?

24 A No. That sounds familiar, but I don't...

1 Q Did you ever pick up or deliver solvents to
2 Canton Wood Products?

3 A Canton Wood?

4 Q Canton Wood Products?

5 A Not as I know of; it might be.

6 MR. McWILLIAMS: I think that it's probably a good
7 place for me to break. Does anybody want to ask some
8 questions yet today? Any followup? Okay, well, let's call
9 it a day then, early today, and we'll pick up again tomorrow
10 morning at 10:00. Thank you very much, Mr. Johnson, for
11 taking the day with us.

12 THE WITNESS: You're welcome.

13 MR. NASH: Yes, thank you, Mr. Johnson. We all
14 appreciate your time.

15 THE WITNESS: You're welcome, all of you.

16 (WHEREUPON, the deposition temporarily concluded at
17 4:45 p.m. and continued on Wednesday, March 23, 2005, at
18 10:15 a.m., as follows:)

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EXAMINATION

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2 BY MR. NASH:

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Well, we're on the second day of the deposition of Mr. James Johnson. We left off yesterday with some cross-examination, Doug McWilliams asking the questions when we suspended around 5:00. I'm going to begin again today for USEPA with a few questions on direct, and then we'll resume cross-examination with those who wish to ask questions of Mr. Johnson.

I had just a very few questions to ask you, Mr. Johnson, that occur to me at the moment. One thing I didn't think I -- I don't think I asked you about yesterday was spills at the site.

Do you recall any spills at the site?

A Yes, I do.

Q Could you please tell me what you do recall about spills at the Obitts' site?

A I remember taking that tanker there for Russ Obitts. He asked me to go get it. I don't even know what was in it. I should have knowed. I didn't even know about that tractor till I picked it up -- when I picked it up. A few weeks ago, I found it my wife -- I had one more, but not like that.

Q I'm sorry to interrupt you, but, when you

KRM

1 say "this tanker," you're pointing at the photograph that you
2 brought in?

3 A Yes, yes, I am. It was that tanker. So
4 Russ asked me to get that load wherever I went and got it.
5 And then I come back. I wasn't raining or nothing, I think,
6 maybe a little bit. But he asked me to put it behind his --
7 over there where he worked. Now, I don't know what he
8 called that, but it was -- that was his place. Right where
9 he done his work, where he had his steel room, the tanker
10 and the tractor was up on the hill and backed up on the
11 hill. And he had it right in towards that door where Russ
12 had been working.

13 So we put it up there, we was going to drop it.
14 Russ was standing in the door. I think -- I believe, if I
15 remember right -- now, this is no hearsay and don't think;
16 this is the Gospel truth, or this is any truth. I should
17 have come forth before this time and said this. As far as
18 I'm concerned -- I'll have to come back on that just a few
19 minutes. It was my fault, but -- and another way, it could
20 have been an accident.

21 Russ told me -- he went back into the room, and he
22 told me, he said, "Maybe you better -- we better stay under
23 it." I said, "Yeah, we better." So he went back in there
24 and put it -- no, I'm not positive. Now, Russ told me this.

1 And even when you told me -- I asked you if Russ was still
2 living, you told me, "No, he's gone."

3 Ever since that, I know it in my heart, that this
4 was going to come up. You remember when you was talking to
5 her, and she said something about "he -- he's already signed
6 for it," and you asked her "what?" And I told you on the
7 phone that I haven't signed for nothing. I didn't really
8 know what she was talking about, but that was what the word
9 was. And, well, you -- you asked her, said, "What do you
10 mean?" And then come back -- I forget what just after that.

11 But after Russ went back in there, I done this; a
12 lot of truck drivers, they'll do it -- should never do it,
13 but we do it. I dropped the fifth-wheel -- I didn't drop
14 the fifth-wheel. I let it set down some. Well, we done
15 unhooked from -- I mean, the poles, we done unhooked. And I
16 dropped it and -- and let the fifth-wheel set on the nose;
17 that would be right along in here (indicating), maybe
18 starting to go off, and I went to lock it up.

19 I know what happened, the brake locked. I didn't
20 hit it. Well, I hit it, but it come down, that tanker, come
21 over faster than what it should have, and it kicked the
22 tractor out, kicked it right out. So Russ come out, and he
23 was mad. He didn't jump on me or nothing. He was mad,
24 which he should have been.

1 To be truthful, I was scared. I've never had
2 nothing like that to happen. That's where I said I -- I
3 considered it might have been an accident. Just what I said
4 right there is what happened. I thought maybe you and I was
5 going to bring this up yesterday. Maybe if we stayed a
6 little bit longer, you would have.

7 But all these things I told you, I -- I don't
8 remember. Every bit of it, I don't remember that I said
9 that word; I don't remember. This boy -- can I go ahead and
10 tell you what I was saying when I come in? I shouldn't said
11 anything; I'm sorry about that.

12 But this morning -- last night, ever since this,
13 ever since I seen that -- this picture here (indicating),
14 this -- what it is there, after what she said, "He's already
15 signed for it," I hadn't signed for nothing I remember. And
16 then, after that -- oh, anyhow -- anyhow, last night, I
17 finally didn't get to go bed till real late. I should have
18 went when I got out of here. I'm not saying I'm too tired
19 because when you all asked me, I wanted you to go on. But
20 that's my -- my fault.

21 And so long about -- it must have been around 4:00,
22 I had to get about -- just before 4 to go to the bathroom.
23 I come back, but just before I got up, my head off the
24 pillow, Terre Haute, Indiana come to me. And I know about

1 Terre Haute. I've always had it in my mind I was going
2 there -- when I was going in to Terre Haute on interstates,
3 I was going south; that's what I thought, but I wasn't on
4 Interstate 60.

5 Map -- I got the maps that I had when I was over-
6 the-road; they're over there (indicating). I got a map, and
7 I found out some place about you all was looking for
8 yesterday, Presquile in Pennsylvania. I've wondered a lot
9 of things about that. But every time I'd go to Buffalo
10 Mold, it -- it had to be close. I'd be leaving to get back
11 over to state route to get back on Interstate 90. I always
12 see that little sign, Presquile. And somebody told me --
13 some of our drivers been always asking, "Where in the world
14 is that at?" They got a order to go there, can't find it.

15 Well, it's right up here; it must be. I couldn't
16 -- I picked one little spot there, had to be where that
17 Buffalo Mold was, and that Presquile, it's -- it's got two
18 parts on the map over here, and they got to refer to the
19 right. You know, on the right; it's over here. It's a
20 park. It's a state park or something like that. Then, in
21 here, it's just like a little town. It looked like it's
22 might close -- close to the ocean, in a little small block.

23 Well, back up a little bit further. When I went to
24 the bathroom this morning -- well, before I went out, before

1 I left my head off the pillow, Terre Haute come to me. I
2 said, "Oh, my." I was telling them when I come in, at that
3 time, the truckers of Ohio - them independent truckers -
4 they was striking. They were killing a lot of people.

5 The fact about it, I wasn't in on this tanker, but
6 I was hoping some of them would do it, and they did do it.
7 They got a group of tankers out of Akron, Ohio down where we
8 lived, and they'd go on these interstate -- when they're off
9 -- when a driver's off duty, if he's off duty, they'll get
10 together, and they get two at a time or some on these
11 bridges, and catch these guys throwing rocks over.

12 Well, down close to Akron, I know myself, they
13 caught -- a couple of them got a guy; they caught him. They
14 broke his wrist. They grabbed him and they put a hand right
15 over it and broke it. He didn't throw no more rock. Well,
16 anywhere we run -- at that time, we was running Michigan,
17 but Michigan was barred. They had a guy killed -- was milk
18 truck driver up around -- down below Detroit, I don't know,
19 right in that area. They threw a rock through the
20 windshield and killed him. That guy had some kids.

21 And I -- I stayed on the road anytime he had us
22 drive, but anytime I was on the road at that time, anywhere
23 I was at, if I'd come up to a bridge, I would never hit that
24 bridge on the right end. I hit it mostly on the right end,

1 | maybe the nose when it gets close to it, but then, when I'd
2 | come out, I was on the far end.

3 | So, when I was going to Terre Haute, it was in the
4 | evening; it was after dark. And then I didn't do that. The
5 | strike was over. They had the strike over for about a week
6 | before that, maybe a few days before that. So I just
7 | started driving normal. I just went through like I always
8 | do, like everybody does.

9 | And before I -- when I cleared -- when that truck
10 | -- nose of that tractor windshield cleared it, something hit
11 | that windshield. I thought a rock at first, and I was
12 | telling him about it. I shouldn't have opened my big mouth
13 | on that, but it -- I was pretty -- I was pretty familiar
14 | that route at that time, that interstate. So I couldn't
15 | see, and I just jerked the door open, I stepped out on my --
16 | you can see to fuel things.

17 | I stepped out on the fuel tank, let it run, and I
18 | got it off the side to the right. And I no more got
19 | stopped, a guy pulled in behind me, I believe a station
20 | wagon. And we started talking. He said, "I seen that thing
21 | hit you." He said, "Some -- something hit the back of my
22 | station wagon." And him and I was sitting there talking.
23 | We looked up at the bridge, and he told me, said, "Wouldn't
24 | you like to have a rifle right now?" Two or three of them

1 | young guys was running across the bridge. I said, "Yeah, I
2 | would," I said, "so I could cut their legs off," you know.

3 | But then, about that Terre Haute, that's where I
4 | was going. That come to me just as plain as I'm sitting
5 | here, and that was the tractor. I don't think that was a
6 | tanker. I think that's what I called the stain -- stainless
7 | steel Fruehauf. It was a 5,000-gallon tanker. I believe
8 | that was the one. That's the one we usually used going down
9 | that way. And Terre Haute, I come in, and we did deliver
10 | there. I've been there, oh, maybe a few times, three or
11 | four times.

12 | Q In Terre Haute?

13 | A Yeah.

14 | Q Terre Haute, Indiana?

15 | A Indiana, yeah.

16 | Q That's on -- let's see, Route 41 goes down
17 | through Terre Haute. I'm not sure. There's another road,
18 | another U.S. road that runs down there; I've been on it.
19 | Let me see here. Well, I appreciate you telling us all
20 | this. The question about spills seems to have led us into
21 | some other areas, and, if you felt something on your
22 | conscience about the spill at Obitts that you thought might
23 | have been partly your carelessness, I'm glad you had a
24 | chance to say something about it to us today, but I don't

1 think it's particularly relevant to the inquiry we're
2 making.

3 We're not looking for what driver or yard man was
4 to blame for a particular spill. We're just interested in
5 whether spills did happen, and perhaps to some extent whose
6 chemicals got spilled, and I don't think you can give us the
7 answer to whose chemicals were in that truck when it was
8 spilled.

9 A I don't remember.

10 Q If you do remember, let us know, but,
11 otherwise --

12 A Okay.

13 Q Yeah, what I was looking for here is that
14 both 41 and 63 come in here. I guess it's 41/150 going
15 south of Terre Haute. 40 comes in from Indianapolis to
16 Terre Haute. I don't know if you recall what direction you
17 were coming from, what direction you were going to --

18 A No. I looked at it this morning.

19 Q -- when you went through Terre Haute --

20 A Here.

21 Q It's interesting to us because we had not
22 -- we had not heard from anyone that Obitts' drivers had
23 picked up or delivered in Indiana. We were aware of their
24 going to Kankakee, Illinois, to Detroit and then go to

1 | places in Michigan --

2 | A Yeah.

3 | Q -- and to the places identified in New York
4 | and Pennsylvania, and I believe you mentioned yesterday
5 | going down into Kentucky.

6 | A Yeah.

7 | Q When you were talking about going into
8 | Kentucky yesterday, going down on Route 60 through the Fort
9 | Knox military reservation --

10 | A Yeah.

11 | Q -- I took a look at the maps afterwards,
12 | and I noticed a town on Route 60 in Kentucky, which I'd seen
13 | in the Ohio road tax records that the Obitts company kept.
14 | It appeared that the drivers had records of regularly going
15 | to a town on Route 60 in Kentucky called Hawesville. It's
16 | down there near Tell City near that bend in the Ohio River.
17 | It's right on Route 60, and it is southwest of the Fort Knox
18 | military reservation as you'd be coming from the north on
19 | 60.

20 | A Yeah. Yeah, I can't even hardly see it.

21 | Q I think this will show magnification
22 | (indicating).

23 | A I got one of these -- my wife showed --
24 | give it to -- showed it to me this morning. These glasses I

1 | got on are better than the one I had on yesterday, I should
2 | have kept them, but I couldn't see nothing with -- with them
3 | on. I can see better with this; she had the same thing. I
4 | can see better with it. You know what, I see a little bit
5 | better.

6 | Q If this is any help, this is a smaller
7 | version of one of those magnifying papers (indicating), it
8 | allows you to focus in on a particular spot.

9 | A Was that about on 60 over there?

10 | Q Yeah. Route 60 kind of tracks along the
11 | Ohio River there just south of the state line a few miles.

12 | A I can't still make it -- can't make it out.
13 | They're supposed to help, bifocals in the bottom of them,
14 | and they're -- well, the government, they give me some.
15 | It's supposed to be service connected, and, for years and
16 | years, they didn't have -- I didn't have any. They give
17 | them to me for over five years, got good ones like I had on
18 | yesterday.

19 | They got bad; then they took them, said they just
20 | couldn't do it. Then, well, they had a place in the
21 | basement up at Veterans. You can go get them and have them
22 | made and pay them. These are the glasses I got; they're not
23 | too good. I can't even see that (indicating). I'm not...

24 | Q Well, don't worry about it. I just

1 | wondered if it would help you any to see on the map where
2 | Hawesville was there since I did know from other --

3 | A Yeah.

4 | Q -- documents in the Obitts' records that
5 | some of their drivers had been there. I didn't know if you
6 | had or not, but you did mention going into Kentucky on Route
7 | 60, so I wondered if you might have been to Hawesville?

8 | A Hawesville sounds familiar. It does sound
9 | -- I believe it was. I'm not for sure.

10 | Q Do you remember any particular companies or
11 | buildings that you saw there?

12 | A I seen one building, and where I went to, I
13 | know I got over on the state line there. When I left the
14 | motel, the restaurant when I had breakfast, I no more got in
15 | the state line there, and I got just about, I'd say, not
16 | five mile, maybe quarter of a mile, two mile, maybe mile and
17 | a half, it was out -- the plant was out like it was in a
18 | field like; it set off to the right.

19 | That's where the plant was at, pretty close to the
20 | line -- not no further. It wasn't no further, no five
21 | miles, ten, wasn't nothing like that -- real close right in
22 | there.

23 | Q Do you remember anything about what the
24 | plant looked like, any distinguishing marks?

1 A It --

2 Q Did it have smoke stacks or --

3 A No. It looked more like, you might say a
4 garage or something like that you know, I think 84 Lumber
5 sometime sell these here pole buildings or something like
6 that.

7 Q Like a pole barn?

8 A Somewhat like that. That's my imagination
9 but similar to that.

10 Q Did they have a loading dock?

11 A As far as I remember, I don't really know,
12 but I remember -- I think we unloaded around the yard, and I
13 think we was unload -- and I think we was picking up, and I
14 think we picked it up in around the yard. So I'm not too
15 familiar with that, don't really know.

16 Q I know there was a -- maybe about three --
17 three to four years after you left Obitts, I know that the
18 Chemical Recovery System site started to deal with a broker
19 or two who might have been located in Southern Ohio or
20 Northern Kentucky. I believe that broker has got a business
21 in Northern Kentucky now and may have had something in
22 Northern Kentucky then. We might inquire into that.

23 When I asked you about spills, I want you to know,
24 I had no idea that you had actually had one of your own

1 | trucks turn over like you were describing to us. I didn't
2 | realize that. I was -- I asked all the people who worked at
3 | Obitts about spills, just a routine question. I know, from
4 | the fire department reports and what Mrs. Obitts has told us
5 | and from what Walter Coates told us, that there were several
6 | spills at the site, sometimes from tankers, sometimes from
7 | overflowing from tanks where they forgot to shut a valve off
8 | or something, so I ask everybody that question about spills
9 | they remember.

10 | I did not know that you were personally involved
11 | with one where a truck that you brought in had spilled. I
12 | wasn't trying to get at something that you --

13 | A That's the only spill I had done, that's
14 | the only one I remember.

15 | Q That's the only one you remember seeing
16 | yourself?

17 | A Yeah.

18 | Q I know some of the photographs that Dorothy
19 | gave us to look at - and I'm sorry, I don't have copies with
20 | me here - did show where a tanker had rolled over. It was
21 | separated from the cab of the tractor, and it was actually
22 | lying on its side with solvents flowing out of it.

23 | Did that happen with the spill that you're
24 | describing, or was it more sort of, just sort of tilted?

1 A To me, I'm not really sure, but the last
2 time I seen it, it was sitting right down on the nose, right
3 down.

4 Q Down on the nose? So --

5 A Yeah.

6 A So it would be more a situation of a tanker
7 being down like that (demonstrating) --

8 A Yeah.

9 Q -- rather than over like that
10 (demonstrating)?

11 A Yeah. It wasn't over when I was -- last
12 time I seen it.

13 Q Yeah, yeah. I --

14 A But --

15 Q It sounds like a different spill from the
16 one I've seen in photographs.

17 A It's possibly it could be later because,
18 after that happened, Russ -- like I said, he come out there,
19 and he was mad and I can't blame him for it. He told me,
20 said, "I told you." I said, "Russ, I know."

21 Q Well, Walter Coates told us about a spill
22 where the -- Russ explained to the insurance agent that the
23 shear -- shear legs, is that what you call them --

24 A Yeah, legs, yeah.

1 Q -- the legs? He explained to the insurance
2 that the legs had sunk into the soil and that the nose had
3 gone down and that Walter had told the insurance agent a
4 different story, and the insurance agent accused him of
5 lying. So it may have been the same incident.

6 A Now, the legs could have went down after
7 that because, when I looked back, I didn't see nothing
8 spilling; it was down. And then no use trying to put the
9 tractor up. I didn't even ask him about that. And he sit
10 there and told me, just like I said, he was mad, which he
11 should have been because I should have had more sense in
12 doing that. And then he sat there a while, and he looked at
13 me and walked off. He said, "Oh, you take the tractor and
14 put it back." We kept them in the garage.

15 And I did so -- but I stayed around there a long
16 time. And I can't remember what he done right then. But I
17 think he went back in there where he had his stills and
18 stuff. And then I stayed there quite a while before I put
19 the tractor up, and I left. And I can't even come back --
20 when I come back the next day or -- but he never said
21 nothing to me since. He's never -- since that day, he never
22 said nothing to me.

23 Q Just to go back now and backtrack a little
24 bit, when we were talking about the spill, you were looking

1 at the photograph, and you were reminded, I think by the
2 photograph, of the fact that last night you had a memory
3 come back to you about Terre Haute --

4 A Yeah.

5 Q -- and having actually --

6 A That's right.

7 Q -- having actually been in Terre Haute or
8 going to make pickups in Terre Haute. And you were giving
9 us a focus in time of when things happened that we might be
10 able to locate by looking at old historical records. So you
11 were saying that it was at the time of a truck driver
12 strike, a Teamster strike, Teamster's union strike maybe?

13 A It wasn't -- no, it wasn't Teamster; it was
14 independent truckers.

15 Q Independent truckers?

16 A Yeah.

17 Q An independent trucker strike?

18 A Yeah.

19 Q And the independent truckers were,
20 apparently, some of them going out and throwing rocks off
21 bridges at truckers who were still out on the road?

22 A They was having the kids to do it, you
23 know, everything.

24 Q Yeah. People do stuff like that nowadays,

1 but it's just malicious mischief, just kids out there having
2 a thrill throwing a rock through a train window or
3 something.

4 A Yeah.

5 Q But this sounds like it was part of a sort
6 of more organized effort with the strikers. We could
7 probably pin that memory, if you're going to Terre Haute
8 down to a particular year, I would think, by looking at some
9 of the records of independent trucker strike and when that
10 took place.

11 Do you yourself recall whether that was in the '60s
12 or in the '70s?

13 A It had to be before -- before the '70s.

14 Q Late 1960's?

15 A Probably that time; I'm not too sure of
16 that --

17 Q You were --

18 A -- because they've had so many.

19 Q You were saying you thought you were
20 driving the stainless steel Fruehauf -- pulling the
21 stainless steel Fruehauf when you went under that bridge?

22 A Yeah.

23 Q Do you remember what tractor you were
24 driving?

1 A The same one as that one (indicating).
2 Q And that's the new Mack?
3 A No, that's the White.
4 Q Oh, that's the -- I'm sorry, that's the
5 White. Yeah, that's right. You told it was the new White.
6 And you thought that was a new truck at the time the photo
7 was taken?
8 A No, it wasn't no new one then.
9 Q Oh, I'm sorry.
10 A But, let me see. I don't remember when I
11 got it. You got the date here, but I'd say that's -- well,
12 that date there must have been just a little bit later.
13 Q And that says August '68 in the --
14 A Uh-huh, yeah.
15 Q -- development date. Do you know who took
16 that photo?
17 A Not really, I don't, not right now.
18 Q Was that taken when you were out on the
19 road?
20 A Yeah, it was. Now look -- there you look
21 at it, I believe that was down south of Columbus, maybe
22 Route 23.
23 Q Down south of Columbus on 23?
24 A That's what it looks like, yeah. Course, I

1 | believe -- yeah, I did. I think I took that tanker to
2 | Charleston one time, picked -- I picked up a load down
3 | there. It's down at Nitro, and I forget the company, but
4 | they was having a lot of trouble. Some guy that run that
5 | company -- I forget his name, but a lot of the other
6 | chemical companies in the state was trying to get him out of
7 | there. And -- which finally, when I went there and picked
8 | up, I got a brother-in-law lives right close to it, Milton
9 | -- in Milton, West Virginia.

10 | That's pretty close from that plant in Nitro.
11 | There's truck stop right up there not too far from the
12 | plant. I called my brother-in-law up - he's a Baptist
13 | preacher - and he come down and picked me up. And I went to
14 | his house and stayed till the next morning, and he went --
15 | he asked me, said "Can I go with you?" I said, "Yeah, yeah,
16 | you can go."

17 | And so we backed into that place, and I trying to
18 | watch him because he didn't know nothing about trucks,
19 | nothing like that. And, after we got our load on - he
20 | helped me - and then I happen to turn around and caught him.
21 | There was a little old -- a little old cement thing there
22 | with a lot of water in it, and he started over to wash his
23 | hands. I said, "No, don't, that thing got acid in it."
24 | Well, that place was a bad place.

1 You might remember sometime about down there. The
2 finally shut him down. They shut the whole plant down.
3 MR. ROBERTSON: I think it's -- is it Fike?
4 THE WITNESS: I believe it was.
5 BY MR. NASH (resuming):
6 Q Fike?
7 A I believe it --
8 MR. ROBERTSON: I think it was Elmer Fike.
9 BY MR. NASH (resuming):
10 Q Elmer Fike?
11 A Yes, it was. That name sounds --
12 Q Is that the name of the plant?
13 A That's what was on the pickup. That -- his
14 name was on it.
15 Q On what, the plant or the --
16 A The bill to pick up and -- the bill of
17 lading.
18 Q Oh, I --
19 MR. ROBERTSON: I believe it was Fike Chemical in
20 Nitro.
21 MR. NASH: Fike Chemical in Nitro?
22 MR. ROBERTSON: Uh-huh.
23 THE WITNESS: Yeah. They shut him down as far as I
24 remember.

1 BY MR. NASH (resuming):

2 Q And what town was that in?

3 A That was in Nitro, West Virginia.

4 Q Nitro, West Virginia?

5 A Yeah.

6 Q And you made pickups there for Obitts?

7 A Yeah.

8 MR. NASH: Well, good. That's good new information
9 -- kind of a long way around getting there. I notice,
10 Mr. Johnson, you're perspiring a little bit. Are you too
11 warm in here? Do you need to take a break or -- I don't
12 want to overdo you here.

13 THE WITNESS: No, I'm just hot. It's just -- it's
14 my heart and...

15 MR. NASH: Well, it's your heart that I want to
16 make sure we take proper care of. I don't want to...

17 THE WITNESS: Well --

18 MR. **: Can you go on, or do you want a break?

19 THE WITNESS: Yeah.

20 MR. NASH: We can take a break for a few minutes,
21 you know, we've got some good new information here. We can
22 all relax and get over for a minute.

23 (Short Break Taken)

24

1 BY MR. NASH (resuming):

2 Q Mr. Johnson, you were saying that you had
3 remembered something else?

4 A Yes. It's Elkhart, Indiana.

5 Q Uh-huh. What about Elkhart?

6 A It was -- I think it was a radio, I
7 believe, place. It was Elkhart. I believe it was either a
8 telephone or electric.

9 Q Telephone or electric?

10 A Yeah. It's in Elkhart. I'm right sure it
11 was a telephone company -- well, like the warehouses and
12 things. And so that come to me this morning early, that and
13 Terre Haute, both. I've got it marked on here (indicating).
14 I had my wife mark them, and you was showing me there a
15 while ago.

16 I just found out something today; I can't see. And
17 I noticed last night.. I told her -- had her to mark these
18 forms. Most of these in here, some of it's when I was over-
19 the-road, but not all; just a few of them. What I had her
20 mark was what I told you.

21 Q Uh-huh. Well then, when you went to Terre
22 Haute and to Elkhart - can you give us an idea - you were
23 saying you thought it was perhaps a telephone company or an
24 electric company in Elkhart?

1 A Yes, it was.

2 Q And --

3 A Radio.

4 Q Do you remember a name, Westinghouse or...

5 A I don't remember it. I remember this

6 morning, it come almost to me but I don't remember it.

7 Q Do you remember what sort of things you

8 were picking up there?

9 A It was just chemical is all I know.

10 Q Picking up chemicals --

11 A Yeah.

12 Q -- in drums or in tankers?

13 A I don't think so. Seemed to me like it was

14 in smaller cans and things. I'm not for sure.

15 Q Smaller cans and things?

16 A If I remember right, yeah.

17 Q Uh-huh. That's a long way to go for a few

18 small cans. Would you pick up a lot of things?

19 A Far as I remember, we did and better than I

20 know I forgot all about that till this morning, it come to

21 me. I had -- right there at Elkhart it is.

22 Q What made you think that it was a telephone

23 or an electric place? Did they have equipment around that

24 looked like that?

1 A Well, the only thing I remember, when I
2 went there and come back, in that plant where we was at, it
3 must have been -- coming in now, it must have been my
4 tractor trailer because everybody worked there -- nobody but
5 women. So, when I come back, I was talking to Jim about it.
6 I said, "Nobody at that place but for women."

7 He said, "Don't you -- you think a man can go in
8 there and work on them wires and things like that? Do you
9 think they could do it," said "our clumsy fingers. See,
10 that's why women has to do it," you know, " see, that's why
11 they got all women."

12 Q So it might have been a place that made
13 circuitry --

14 A Yes, it could have been.

15 Q -- switchboards --

16 A Yes.

17 Q -- something like that?

18 A I think.

19 Q That is kind of delicate work.

20 A Yeah, far as I remember, it was.

21 Q And there'd be a certain amount of solvents
22 used with that kind of work, too.

23 A Yeah.

24 Q What about in Terre Haute, do you remember

1 anything about the kind of place you picked up from in Terre
2 Haute?

3 A Yes. When I come off the expressway, I'm
4 on a city street. And out towards the country, I believe
5 it's a farm. It's close to the state land there, like our
6 state place here at Lewisburg.

7 They got a -- you know, right there -- it's not a
8 county outfit; it's a state outfit. I think you -- when you
9 go through the place almost over to the plant, the plant-
10 like thing, you come close to a -- it's maybe -- it's not
11 state fair -- yeah, I believe it's state fair land, I
12 believe, or something like that. You're right close to it
13 -- to the land.

14 Q Now, do you know whereabouts in Terre Haute
15 that would be? Can you give me an indication?

16 A No, I can't.

17 Q Do you know what road you'd be coming on,
18 coming into Terre Haute?

19 A I got it marked down here, and I'll show
20 you. I have it marked on that one.

21 Q Take a look at your own map there that
22 you've got marked. I'm going to try and follow along on
23 this map.

24 A I couldn't even mark it myself. I had my

1 wife mark it. Terre Haute, is that what you -- you said
2 Terre Haute; didn't you?

3 Q Yeah, yeah. Down there in Southern
4 Indiana, they call it Terre Haute.

5 A Yeah. When I got in there, I got off the
6 expressway, and there's just a small road, and, like I said,
7 it went out like it's going out in the country. I can't
8 pick it out.

9 Q I'm going to look over your shoulder and
10 see what your wife has marked here.

11 A This is what I had her mark (indicating).
12 She marked -- I said -- I told her I still thought I come
13 down Interstate 60, but I didn't. I come in -- probably in
14 this way.

15 Q Yeah. Well, there's 40 coming in from
16 Indianapolis, major road.

17 A Yeah.

18 Q And there's 41 dropping down from the
19 north.

20 A It could have been 70 right in here
21 (indicating) or somewhere in there, that, all that.

22 Q Uh-huh. Yeah, well, Interstate 70 does
23 link Indianapolis with something over there in Missouri, and
24 I don't know. At the time, you were driving for Obitts, I

1 | don't even know if Interstate 70 had been put in yet.

2 | A I'm not sure. And like I said --

3 | Q But it looks like your -- it looks like you

4 | got something marked here just south of Terre Haute, looks

5 | like it's south of Terre Haute roundabout 41, maybe?

6 | A That one (indicating).

7 | Q There's -- Riley and Youngstown - those are

8 | small towns south of Terre Haute - and Allendale.

9 | A Yeah. That -- that's not it. It was right

10 | -- it was right in Terre Haute itself town.

11 | Q Well, Terre -- this is a map of Terre Haute

12 | here, and your wife has got something where 46 is marked

13 | between 70 and 40. There's a ditch; the Thompson Ditch is

14 | marked there and crosses 46.

15 | A Yeah.

16 | Q And Hulman Field, which is an airport a

17 | little off to the east there.

18 | A It's just about right close to it.

19 | Q And I see there's -- she's got two little

20 | marks with ink here just to the west of 46 (indicating),

21 | just north of Thompson Ditch and just before you come to

22 | Dobbs Park and Deming Park. Any of that sound familiar to

23 | you?

24 | A Did you say Dobb? Yeah.

1 Q Dobbs Park and Deming Park.

2 A That one sounds familiar. It's sort of
3 like a park thing when you went out of the town over to
4 where the plant was out. It was something like a little
5 barn plant or something like that. It wasn't very nice
6 place. But he had a lot of stuff there. As far as I
7 remember, we delivered a lot of stuff there.

8 Q We can have our investigators take a look
9 at what might have been in that area 40 years ago and see if
10 we can pin it down that way. You --

11 A That place, that was a radio place up here --

12 Q Up at Elkhart?

13 A Uh-huh. That was a radio.

14 Q Radio?

15 A Yeah.

16 Q Did they make radios?

17 A I think so.

18 Q Like transistor radios perhaps?

19 A I don't know, just come to me now it's
20 radio.

21 MR. NASH: Well, that ought to be something also
22 that we ought to be able to pick up through an investigator.
23 Well, thank you very much for those additional
24 recollections. If anything more comes back to you, just

1 speak up, and we'll try to put it on the record.

2 THE WITNESS: Yeah, I will.

3 MR. NASH: Doug, I was saying, before we took a
4 break, that I was going to turn it over to you when we came
5 back.

6 MS. SHUMWAY: Doug?

7 MR. McWILLIAMS: Yes.

8 MS. SHUMWAY: I'm going to bow out now; thank you.

9 MR. McWILLIAMS: Okay. Is there anyone else on the
10 phone line?

11 (No response)

12 **EXAMINATION**

13 BY MR. McWILLIAMS:

14 Q Good morning, Mr. Johnson, Doug McWilliams --

15 A Good morning.

16 Q -- representing the CRS Site Group. I'd
17 like to continue where we left off last night. A couple of
18 cleanup questions. Were you involved in generating any
19 written records at the CRS site?

20 A Not as I know of, no.

21 Q You don't recall keeping any records at the
22 Obitts Chemical facility?

23 A Only thing I knowed -- you mean log books,
24 I did.

1 Q And, when you say "log books," you're
2 talking about the driver's log books that were kept in the
3 truck?

4 A Yes, the driver's log books is what I'm
5 talking about.

6 Q Mr. Johnson, regarding the Terre Haute
7 facility you just identified in Indiana, you indicated that
8 you thought perhaps you went there three to four times; is
9 that accurate?

10 A That is accurate, yes.

11 Q And do you recall which type of truck
12 trailer you would have taken to Terre Haute, Indiana?

13 A It would always be boxes, far as I remember
14 -- trailer box.

15 Q And, when you say "box," that's the trailer
16 box that you used to transport drums?

17 A Yes, it is.

18 Q Do you recall how many drums you would pick
19 up from Terre Haute, Indiana?

20 A The amount -- I do not remember the amount.

21 Q For a trip to Terre Haute, Indiana, what
22 would you say would be the minimum number of drums that
23 would make it worthwhile for you to take a trip of that
24 length?

1 A I remember -- I'd say at least 35 maybe to
2 40, at least.

3 Q Are you aware of any other drivers that
4 went to Terre Haute, Indiana besides yourself?

5 A No, I'm not.

6 Q With regards to the facility in Nitro, West
7 Virginia, did you pick up chemicals in Nitro, West Virginia?

8 A Yes, I did.

9 Q And did you pick those up in drums or in a
10 tanker?

11 A A tanker.

12 Q Do you recall approximately how large the
13 tanker was? Was it the 5,000-gallon tanker or was it the
14 larger tanker?

15 A I believe it was the Fruehauf stainless
16 steel, I believe it was -- yeah, far as I remember.

17 Q The Fruehauf stainless steel?

18 A That would be the 500 --

19 Q The 5,000-gallon --

20 A Yes.

21 Q -- that we talked about yesterday?

22 A Yeah.

23 Q And, when you went to Nitro, West Virginia,
24 I believe you recalled that was to a place called Fike

1 Chemical?

2 A That's correct, right.

3 Q And do you recall how often you made that

4 trip?

5 A That's the only one.

6 Q You did it once?

7 A One time, yeah.

8 Q One time, one tanker truck load; correct?

9 A That is all.

10 Q Are you aware of any other truck drivers

11 that made that trip?

12 A No, I'm not.

13 Q With regard to the facility in Elkhart,

14 Indiana that you just mentioned, do you recall how often you

15 made that trip?

16 A No, I don't. It wasn't very much, maybe

17 twice at the most.

18 Q And, when you went to Elkhart, Indiana, you

19 would be -- you would take a box trailer; is that correct?

20 A Yes, that's correct.

21 Q And I ask that based on your previous

22 testimony that you were picking up chemicals in cans or

23 drums; is that accurate?

24 A Far as I remember, it was probably drums to

1 be -- be more accurate probably because cans, I don't think
2 -- I don't think that's right. It's drums would be
3 accurate.

4 Q And do you recall how many drums you would
5 have picked up when you went to Elkhart, Indiana?

6 A I'd say it'd been at least maybe 35,
7 probably more.

8 Q And would 35 drums have been the minimum
9 number of drums in a pickup that would have make it -- made
10 it worthwhile to take a trip as far as Elkhart, Indiana?

11 A I would say so.

12 Q Mr. Johnson, we took the deposition of
13 Dorothy Obitts a month or two ago.

14 A Yeah.

15 Q Do you know Dorothy Obitts?

16 A Oh, yes, uh-huh.

17 Q Ms. Obitts had created some ledgers,
18 documents that tracked the number of -- that tracked the
19 various trucks and the number of miles they drove for the
20 purposes of Ohio highway tax records.

21 I'll refer for the record to Exhibit -- EPA Exhibit
22 7 from the Obitts' deposition. I will represent that, in
23 that EPA Exhibit 7, there is a ledger page that identifies
24 White No. 7. Would White No. 7 be a truck in your

1 recollection, Mr. Johnson?

2 A I don't think we had a number on that White
3 there. I think it was that one there (indicating).

4 Q You think it was that one in the picture?

5 A If it'd been No. 7, I believe it would have
6 been.

7 Q It would have been White No. 7?

8 A Yeah, because I don't remember numbers on
9 them.

10 Q And, on the -- on EPA Exhibit No. 7, next
11 to No. 7 -- I'm sorry -- yes, next to No. 7 White, it says,
12 in parentheses "Johnson." Mr. Johnson, did you drive the
13 No. 7 White truck during 1971 and 1972?

14 A If it was -- yeah. It was probably that
15 one right there (indicating). I'd say that has to be No. 7.

16 Q And, again, when you say "that one right
17 there," you're referring to the truck pictured in Exhibit 1
18 of the Johnson deposition, the picture you provided
19 yesterday?

20 A Yes, but I really didn't -- I don't think
21 that there was numbered; it might have been, but, as far as
22 I know, it wasn't. But, now, it's possible it could have
23 been the Mack, the Maxidine. It's either one of this one or
24 the Maxidine that year, you know, '71, '72.

1 I didn't drive that Maxidine that much, but I drove
2 it. But I was driving that when I went to Fort Knox down
3 through -- on that time, I was driving the Max then. I
4 didn't drive it very long.

5 Q Okay. So just so I understand, you drove a
6 White truck during some period of time in 1971 and 1972?

7 A Yes.

8 Q And you also drove a Maxidine truck during
9 some portion of that period?

10 A Yes, I did.

11 Q This is going to be very difficult to read,
12 and I apologize for that, Mr. Johnson. So, since it's
13 already in the record in the Obitts' deposition, I'm going
14 to assist you by identifying some of the locations.

15 If you would, take a look at this (indicating). I
16 don't know if this will help you or not, but this is a copy
17 of the ledger, and it's identified as EPA 000107. That's
18 the Bates stamp on EPA Exhibit 7 from the Obitts'
19 deposition. And along the top, it's No. 7 White (Johnson).

20 We're going to take that to refer to Johnson as the
21 truck driver.

22 A Yes.

23 Q There are other pages here where there are
24 different names in parentheses. There's one that says

1 "Matthews." Do you recall Matthews as a truck driver for
2 Obitts Chemical?

3 A I do, but I can't place him; I do.

4 Q Okay. And --

5 A That could have been this --

6 Q Do you recall a Gastin as a truck driver --

7 A Oh, yes.

8 Q -- for Obitts Chemical? So this is set up
9 so that next to the truck, the driver is identified in
10 parentheses. And then down the ledger, we have a number of
11 locations and we'll read through some of those today. And
12 then, on the columns, there's Ohio, New York and West
13 Virginia.

14 Can you see that, Mr. Johnson?

15 A No.

16 Q Okay. Well, let me represent then for the
17 record that this is the way the ledger is set up. And
18 Ms. Obitts had testified earlier that the purpose for these
19 records was to generate information for the Ohio and other
20 state highway tax purposes; okay?

21 So there are a number of locations down this
22 column, and let me also represent that this is January,
23 February and March that we're looking at. These records
24 were kept on a quarterly basis.

1 Now, Mr. Johnson, if I could direct your attention
2 to the first row, which indicates "Mansfield," and it has a
3 mileage in Ohio. Do you recall driving to a location in
4 Mansfield, Ohio?

5 A Yes, I have; yes, I do.

6 Q Do you recall the name of the company in
7 Mansfield, Ohio?

8 A Only one right now is Rogate Industry, that
9 was in Mansfield.

10 Q Rogate Industries?

11 A That's what -- only one I remember.

12 Q And we talked yesterday, I believe, about
13 what you picked up at Rogate Industries, but just for the
14 record today, do you recall whether you picked up in drums
15 or tankers from Rogate Industries?

16 A No. I think it was straight truck.

17 Q Straight truck.

18 A Fact about it, I don't believe you'd get a
19 tank -- trailer in there, smaller size place.

20 Q Okay. And a straight truck would transport
21 drums based on our discussion yesterday?

22 A Yes, it could.

23 Q And do you recall how many drums on average
24 you would pick up when you went to Rogate?

1 A No. I just have to assume, I think
2 probably -- I'd say probably maybe nine, ten.

3 Q Now, do you recall any other facilities in
4 the Mansfield area?

5 A I can't recall it --

6 Q Does --

7 A It's very possible.

8 Q Does the company name Artesian ring a bell
9 for you?

10 A Yes, it does.

11 Q What do you recall about Artesian?

12 A I don't know. It ring -- does ring a bell;
13 that's all I know.

14 Q Does it ring a bell as being in any
15 particular location?

16 A No.

17 Q Do you recall it as a customer of Obitts or
18 you just recall it generally?

19 A If I knowed, I'd call it a customer, but --
20 but I don't know.

21 Q Okay. The next line indicates Cleveland,
22 and we talked a bit about various locations in Cleveland
23 yesterday. The next one is Bedford Heights. Do you recall
24 a location in Bedford Heights where you picked up?

1 A Yes, I do.

2 Q And what was the name of that location?

3 A I'm not positive, but I think it was Spray-

4 On. It was make -- Spray-on paint cans and things like

5 that.

6 Q Okay. The next one is Columbus. Do you

7 recall picking up loads from Columbus?

8 A Yes, I do.

9 Q And do you recall the names of any

10 locations in Columbus?

11 A One was a paint company. I believe it's

12 been announced on the record. I believe it's Majestic, I

13 believe, the paint -- and I believe I didn't remember that

14 until it was on the record. I think it's Majestic.

15 Q Majestic Paint in Columbus?

16 A I believe that's the name.

17 Q So this record that you tracked -- that you

18 went to Columbus could indicate a pickup from Majestic?

19 A Yes, it could.

20 Q Do you recall any other facilities in

21 Columbus?

22 A I can -- yes, I can a couple, but I don't

23 remember the name. I can't -- I don't know it.

24 Q And, when you went to Majestic Paint, do

1 | you recall whether you picked up in drums or tanker?
2 | A It would be in drums.
3 | Q And do you recall how many drums?
4 | A I'd say probably around about 25, something
5 | like that, not no more.
6 | Q We're going to skip over a couple of these,
7 | Akron, Akron, Cleveland, but I want to focus on some of the
8 | ones out of state here. Bradshaw, Pennsylvania, do you
9 | recall going to a place in Bradshaw, Pennsylvania?
10 | A Yes, I do.
11 | Q Do you recall the name of that company?
12 | A No, I don't.
13 | Q Do you recall anything about pickup in
14 | Bradshaw, Pennsylvania? Was it in drums or was it in
15 | tankers?
16 | A I can't say because I...
17 | Q Okay. But you do recall going to Bradshaw,
18 | Pennsylvania?
19 | A Yes, I do.
20 | Q Okay. Does the -- are you familiar with
21 | the name Airco Speer? Does that name ring a bell as a
22 | customer for Obitts Chemical?
23 | A No, it don't.
24 | Q Airco Electronics?

1 A Not really, I don't know.

2 Q KOA Speer, does that name ring a bell?

3 A No, it don't.

4 Q Okay, thank you. I'm having trouble

5 reading this myself. I believe it's Emporium, Pennsylvania.

6 Does that name ring a bell or Altoona Emporium?

7 A Oh, Altoona, yeah.

8 Q And do you recall a location in Altoona

9 Emporium, Pennsylvania where you picked up for Obitts

10 Chemical?

11 A Yeah. I do, but the only thing I know, I

12 knew where -- I did pick up there at Altoona.

13 Q Do you remember the name of the company?

14 A No, I don't -- seemed like it might have

15 been electric company or something like that; I'm not for

16 sure of that. I remember the building and everything.

17 Q And how would you describe the building?

18 A It was more like maybe some school building

19 or something, something like that. It's right along side

20 the road -- street, the main street where you come down off

21 into the town. And, if I'm not mistaken, I think it was

22 sort of a small street where you had to go into it, you

23 know, or back up into it, whichever it was. I don't

24 remember all that.

1 Q Do you recall whether you were backing up a
2 box trailer or a tanker?

3 A Well, when I went there, it was trailers.

4 Q And do you recall how many drums you would
5 have picked up in that trailer for a trip as far as Altoona,
6 Pennsylvania?

7 A I'd pick up a pretty good load; it must
8 have be pretty full, a whole load of them. I'd say a whole
9 load.

10 Q Full load?

11 A Yeah.

12 Q And we talked yesterday about what a full
13 load is, so we won't need to go back through that.

14 A Yeah.

15 Q Dover, Ohio.

16 A Yes.

17 Q We talked a bit yesterday about Dover,
18 Ohio. It shows up on this ledger sheet also. We had talked
19 about a location in Dover that made wood paneling?

20 A Yes, that's true.

21 Q Do you recall today the name of that
22 location?

23 A The name of it, I don't.

24 Q There's a number of entries for Buffalo,

1 New York. Do you recall picking up from a company in
2 Buffalo, New York?

3 A Yes. I picked up off of that -- the one I
4 talked about before off of tankers, I picked up, but they --
5 they said Buffalo, but it was up around Tonawanda, that one
6 I picked up off tankers. Lehman Tank Lines, I think it was.
7 I think that was it.

8 Q That would be Lehman Tank Lines?

9 A Yes, it would be.

10 Q Would each entry here for Buffalo, New York
11 represent another pickup for Lehman Tank Lines then?

12 A Now, we had one electric company we picked
13 up in Buffalo. I'm not -- I think it might be General
14 Electric. It was an office -- the main office he had there,
15 it wasn't far from the exit when you come off the exit. The
16 main exit -- interstate coming right into Buffalo, and you
17 had to go in it I think, like it run around the office. It
18 looked like a regular office place, and, if I remember
19 right, they had a flagpole right -- right in the middle
20 where they had their tanks.

21 The tanks was underground right on -- just like
22 there's a yard of concrete and in the middle of the
23 concrete, it was grass. And then over to the far end, they
24 had a pipe, little thing sitting. And then back in the

1 middle, like you go into the building, an office -- like the
2 office, and you back right out towards the street and your
3 tanks right there, right on the ground. It's underground
4 tank.

5 Q And what would you have picked up at --

6 A I've never picked --

7 Q -- General Electric?

8 A I've never picked up nothing up there.

9 I've always delivered.

10 Q You delivered material to General Electric
11 but you did not pick up there?

12 A No.

13 Q What about Gerard, Pennsylvania, do you
14 recall a facility in Gerard, Pennsylvania?

15 A Yeah, I've been there, but I can't remember
16 -- I don't remember it, being there, but I been -- I know
17 that I had been there, but I can't tell you the name of the
18 place.

19 Q Okay. Backing up for a minute to Lehman
20 Tank Lines, you would pick up tankers at Lehman Tank Lines
21 based on your testimony yesterday; is that correct?

22 A Do you mean by picking up -- you don't mean
23 the dropping off and getting another tanker? You mean the
24 pumping on or something like that? That's what I --

1 Q Well, tell me what you did at Lehman Tank
2 Line.

3 A Well, when Obitts got -- anytime they get a
4 load off of them, we'd pump it on ourselves. Jim Jackson
5 might have a few times. I believe I -- I did it myself all
6 the time, the majority of the time. I believe I'd always
7 have to get an order to pick them up. They had to be
8 somewhere else around Buffalo in that area by the time that
9 Lehman will have a load for you. They went into upstate,
10 what the call New York or whatever it is.

11 Q Excuse me, when they had a load for you,
12 what does that mean?

13 A Well, when they had a load for you to come
14 to transfer over to your tanker, they'd be bringing into
15 their lot, wherever it may be. And, like I said before, it
16 was Tonawanda, but it wasn't right at Tonawanda. It was
17 quite a ways north, but that's what it went by, Tonawanda.

18 Q So you believe some of these entries for
19 Buffalo, New York could actually be the Tonawanda pickups?

20 A A lot of them, yes, a lot of them.

21 Q Because you did that quite often?

22 A Yes, we did.

23 Q How often did you pick up from Lehman Tank
24 Line?

1 A I don't -- we didn't pick up no every week,
2 but, well, I -- I guess, yeah, he'd probably have at least
3 once every week or something like that that I think they
4 would call in. Anyhow, when I get a bill to pickup, when
5 I'd call in or something like that, they'd tell me what time
6 Lehman would be leaving and where to pick up at. And time
7 they'd be arriving at the yard, they call it -- just a big
8 old field like to me, but they did have their driver
9 warehouse around it.

10 Q And do you know where these chemicals were
11 coming from --

12 A No.

13 Q -- how they were generated?

14 A No, I don't.

15 Q Was it your impression that Lehman was
16 picking these up from somewhere else?

17 A They was, no question.

18 Q Or was Lehman generating these somehow at
19 the facility?

20 A Yes, they was.

21 Q Let me rephrase. Was Lehman a transporter
22 for these chemicals?

23 A Yes, he was a transporter.

24 Q So he would pick them up somewhere else?

1 A Right.

2 Q Bring them to this location in Tonawanda,
3 New York?

4 A Right.

5 Q And then you would pick them up and bring
6 them to Obitts?

7 A Yes, we'd transport them.

8 Q And you'd transport them?

9 A To our tankers, yes.

10 Q So you'd transfer them from their tankers
11 to your tankers, and then you'd bring that solvent back to
12 Obitts for processing?

13 A That's right.

14 Q Okay. We had been on Gerard, Pennsylvania.
15 Do you recall a facility in Gerard, Pennsylvania?

16 A Yeah, I've been there.

17 Q But do you recall a facility that was a
18 customer of Obitts there?

19 A I don't remember the name, but there's one
20 there; I've been there. That's...

21 Q There's an entry here for East Liverpool.
22 Do you recall a customer in East Liverpool, Ohio?

23 A No, I don't.

24 Q What about Wooster, Ohio, do you recall a

1 customer in Wooster?

2 A Yeah, yes, I do.

3 Q And who was that customer?

4 A No -- I was going to say yes, but I think I
5 got off track here. What I was thinking about in Wooster
6 was when I was over-the-road. It wasn't -- it wasn't then,
7 wasn't Obitts.

8 Q Yeah. We'd like to limit it to the Obitts --

9 A Yeah.

10 Q -- timeframe. Do you recall a customer of
11 Obitts Chemical in Wooster, Ohio?

12 A I'm not for sure, but I believe it's -- oh,
13 where they make their medical garbage cans and things like
14 that. And I believe that's garbage containers and -- it's a
15 rubber outfit. That's the one I remember.

16 Q Would that be Rubbermaid?

17 A Yeah.

18 Q Do you recall any other facilities in
19 Wooster?

20 A No, not now.

21 Q So any record here that indicates a pickup
22 from Wooster, you would say that is a pickup from this
23 rubber outfit you described; is that fair to say?

24 A Yes, it is fair.

1 Q How many -- do you recall whether you
2 picked up in tankers or with a box trailer from this rubber
3 facility?

4 A It would have to be a box.

5 Q And why do you say it would have to be a
6 box?

7 A Because that Rubbermaid stuff like that,
8 you don't carry that in no tankers; it's not liquid.

9 Q So you'd pick up drums from this facility?

10 A No, far as I remember, we didn't. Like I
11 said before, I think I got off -- I got off the line on
12 that. At Rubbermaid, Russ never picked up that stuff that I
13 knowed of.

14 Q Okay. So not the Obitts timeframe?

15 A No.

16 Q So do you recall an Obitts customer in
17 Wooster?

18 A A name, I don't.

19 Q What about one in Warren, Ohio?

20 A Yes.

21 Q Who do you recall in Warren, Ohio as a
22 customer of Obitts Chemical?

23 A There again, I don't remember.

24 Q You don't remember a particular name?

1 A No.

2 Q Do you remember the type of company, what
3 you would have picked up or what they made?

4 A No. If I would remember the type, I would
5 know; I would remember. I can't remember.

6 Q All right. We're just seeing if any of
7 this will trigger a memory for you. Let's see, we've been
8 through most of these. Most of these are repeats. See,
9 there's Buffalo, New York coming up again. There's a Heath.
10 I believe Mr. Nash asked you about a facility in Heath. Do
11 you recall a facility in Heath?

12 A I don't -- I don't remember it.

13 Q Not today. There's an entry here for Port
14 Clinton, Ohio. Did you do pickups in Port Clinton, Ohio?

15 A Yes. And it was drum work, and it was in
16 tank -- not tankers, but it was in trailers.

17 Q Drum work in the box trailers. Was this a
18 regular customer?

19 A I don't think so.

20 Q Looking down, there's -- again, I'm looking
21 at Exhibit 7, EPA 107 and 106.

22 MR. NASH: There might be other drivers going to
23 Port Clinton during that time.

24

1 BY MR. MCWILLIAMS (resuming):

2 Q Yeah. There's one, two, three, four, five
3 -- well, there's five, six, seven, eight. I see eight just
4 in scanning down here over the course of about five or six
5 months going to Port Clinton. Do you recall the name of the
6 customer in Port Clinton for Mr. Obitts?

7 A No, I don't.

8 Q You mentioned yesterday a tire company that
9 might have been close to Elyria where you did pickups. Do
10 you recall that testimony yesterday?

11 A I don't know.

12 Q Okay. So you recall the Port Clinton as
13 being drum work in box trailers, but you don't recall the
14 name of the facility?

15 A That's right.

16 Q And would you know how many drums you would
17 pick up at a time? Do you recall that?

18 A No, I don't.

19 Q Sir, what about Meadville, Pennsylvania, do
20 you recall a customer with Obitts Chemical in Meadville,
21 Pennsylvania?

22 A Yes, I do.

23 Q Do you know the name of that customer?

24 A No.

1 Q Do you recall if it was drums or tanker?
2 A It had to -- it had to have been drums as
3 far as I know.
4 Q And why do you say it had to be drums?
5 A I can never remember taking a tanker in
6 Meadville. I can't never remember that, but I can trailers.
7 Q Do you recall the type of facility it was?
8 A No.
9 Q What type of industry?
10 A No.
11 Q Okay. There are some entries here for
12 Hawesville, Kentucky. Mr. Nash had asked you some questions
13 about Hawesville, Kentucky. Do you know where Hawesville,
14 Kentucky is?
15 A I've been there.
16 Q Do you recall picking up from an Obitts
17 customer in Hawesville, Kentucky?
18 A I remember picking up, but I -- I don't
19 remember the name of the company.
20 Q Do you remember whether it would be drums
21 in a box trailer or a tanker?
22 A Probably in trailers, I would say.
23 Q In a box trailer?
24 A Yeah.

1 Q So picking up drums? .
2 A That's what I'd say.
3 Q Do you know if you had more than one
4 customer in Hawesville, Kentucky?
5 A I can't say. I don't know.
6 Q And for a trip as far as Hawesville,
7 Kentucky, what would be the minimum number of drums that
8 would make it worthwhile for that trip, sir?
9 A I imagine at least about 30 some or more,
10 maybe more. I don't know.
11 Q Do you recall a facility in Glendale, West
12 Virginia?
13 A Yes, I do.
14 Q What was the name of the facility in
15 Glendale, West Virginia?
16 A Mark's Toy Company.
17 Q What's that?
18 A Mark's Toy Company.
19 Q Mark's?
20 A Yes, Mark's Toy.
21 Q Mark's Toy Company?
22 A Glendale, yes.
23 Q And do you recall any other facilities in
24 Glendale, West Virginia that you picked up?

1 A That's the only place I remember.

2 Q So any indications of Glendale, West
3 Virginia on this ledger sheet would indicate a pickup from
4 Mark's Toys; is that correct?

5 A It should, yes.

6 Q Do you recall what you picked up from
7 Mark's Toys, drums or tankers?

8 A No. It's -- I don't even know. I don't
9 know what I picked up there, but I picked up, but it was --
10 it had to have been tankers or something. I do remember
11 picking up there one time, it was just about Christmas time.
12 And they -- and when I was going back, I don't think I
13 picked up anything. I might have took something to them
14 because, when I went back, the guy that run the plant, he
15 come out there and hollered at me, said "Anything you see
16 you need?" I said, "No."

17 But I had a niece here in Oak Hill. She was, oh,
18 about six year -- four, five -- six years old. And they had
19 a little nice looking little old car they made there. And
20 he said, "Well, you want that?" I said -- and I was talking
21 to him about that. He said, "Well, take it." He give it to
22 me, quite a few things like that. But I don't remember
23 dropping anything off. But there had to been something
24 where they probably -- what he manufactured, they probably

1 had the clean machines and stuff, so it would of had to be
2 liquid.

3 Q So you recall there being some liquid that
4 you picked up in a tanker --

5 A No, I didn't --

6 Q -- from this facility in West Virginia?

7 A If I picked it up, it would have been in a
8 box.

9 Q Would have been a box?

10 A Yeah, it would been in a box.

11 Q Okay. And do you recall how many drums you
12 would have picked up in a box from this facility in West
13 Virginia?

14 A No. I wouldn't have no idea right now.

15 Q For a trip as far as West Virginia, what
16 would be a minimum number of drums that would make it worth
17 taking that trip?

18 A I mean it was probably near a full load
19 anyhow.

20 Q Okay. And that was Glendale, West
21 Virginia. What about Wayne, Michigan, do you recall a
22 facility in Wayne, Michigan?

23 A Yes, I do.

24 Q Do you recall the name of that facility in

1 Wayne, Michigan?

2 A No, I don't remember the name, either.

3 Q Do you recall the type of industry it was?

4 A No.

5 Q Do you recall whether you picked up drums

6 or bulk solvent in a tanker?

7 A Only thing I know, I remember the name. I

8 don't know what I picked up or what I dropped off.

9 Q Okay. Mr. Johnson, this is very helpful.

10 Do you recall going to New Jersey to pick up something at

11 place called Carter or Carterene, New Jersey?

12 A Yes, I do.

13 Q Do you recall the name of the location

14 where you went in New Jersey?

15 A I can't recall the name, but I know one

16 thing. If I ain't mistaken, it was right close to a prison,

17 state prison, I think, far as I remember. I believe that's

18 the only time I was ever in New Jersey with Obitts.

19 Q Do you recall whether you took a box

20 trailer there or a tanker there for the pickup?

21 A I believe it was a trailer; I'm not -- I

22 have -- I'm not for sure about that, a trailer.

23 Q If you're taking a box trailer, you're

24 picking up drums; is that fair?

1 A It would be, yes.

2 Q And a trip all the way to New Jersey, what
3 would be the minimum number of drums that would make it
4 worthwhile to take that trip?

5 A It'd be every one you could get on it, no
6 matter how much.

7 Q So a full load?

8 A That's right.

9 Q Do you remember a pickup in Prairie or
10 Prairietts, Indiana? Does that ring a bell for you?

11 A No, it don't.

12 Q What about Industry, Pennsylvania, do you
13 recall a pickup in Industry, Pennsylvania?

14 A That does sound familiar but picking up, I
15 don't remember.

16 Q There's an entry here that says Washington
17 CH. Do you recall a pickup that would have been from a
18 Washington CH?

19 A That's Washington Courthouse is what is the
20 place. I remember that, and that's the only reason I
21 remember, they got that Washington Courthouse. And then
22 again there, I don't remember what I picked up; I just
23 don't.

24 Q Do you remember whether it was a box

1 | trailer for drums or a tanker?

2 | A No, I don't remember.

3 | Q Where is the Washington Courthouse?

4 | A Well, it's in Ohio, in Columbus. It's not

5 | -- not Columbus. I even forget where it's at, but I've been

6 | there.

7 | Q There's an entry for pickup from

8 | Youngstown, Ohio. Do you recall a location in Youngstown

9 | where you picked up?

10 | A Yes, I do.

11 | Q Do you recall the name of that company?

12 | A No, I can't.

13 | Q What kind of industry was that company in;

14 | do you know?

15 | A I don't know the name, I couldn't; no. I

16 | don't remember it.

17 | Q I understand; this was a long, long time

18 | ago.

19 | A Yes.

20 | Q And I'm impressed that you remember as much

21 | as you do, and I don't mean to push you too hard on this.

22 | A I -- I understand.

23 | Q There are some -- in addition to ledgers

24 | that say No. 7 White, there are also ledgers that say No. 9

1 Mack that have "Johnson" as the indicated driver?

2 A That would have to be -- that would have to
3 be the Mack.

4 Q That would be the Mack that was around in
5 1965?

6 A No, it --

7 Q Or the newer Maxidine?

8 A It seems like you had numbers there, and I
9 don't remember them numbers on it. But I'm not saying they
10 wasn't because they probably was. But when you come down
11 through the 5 on up, the tractors I had there, it was like I
12 said, they just had -- well, far as I remember, they had the
13 two Macks, and they had the one International. And then,
14 later on, they did get a just an older White. I think that
15 was a little later.

16 And this -- this one here (indicating), it come
17 there just about the time -- I'm right sure it come there
18 when it was new, and I think I was probably the first driver
19 or close to the first. Jackson had for a while. Reason I
20 say that, any tractor or any truck like that, after a while,
21 you're going to have to have some back for a check, but they
22 had to take that one back for something wasn't right in the
23 rear-end. And so I was the one that took it back, and it
24 was -- it was pretty new right then.

1 Q Okay. Well, this is helpful. Mr. Johnson,
2 there are a couple of pictures that were entered as exhibits
3 in Mrs. Obitts' deposition that I'd like you to take a look
4 at.

5 This was marked as Exhibit 5-F (indicating). Does
6 that look like -- is there anything in that picture you
7 recognize as one of the trucks we've been talking about?

8 A No.

9 Q This --

10 A Well --

11 Q -- reddish-orange truck here, is that the
12 straight truck that you were referring to yesterday?

13 A Yes.

14 Q Okay. That looks like a U-Haul truck, you
15 know, one of those rental trucks to me?

16 A More than likely, if that's Evans, I'm not
17 -- I mean, Obitts, I'm not for sure, but I can't remember it
18 looking like that one.

19 Q Maybe I have another picture of it for you.

20 A The straight truck itself I never did
21 really fool with it. Just one -- not very many times that I
22 remember.

23 Q Okay. This is Obitts Exhibit 5-H
24 (indicating). Is that truck familiar to you, Mr. Johnson?

1 A No, it's not.

2 Q That is not one of the trucks that you

3 recall?

4 A Not as I remember.

5 Q Not one of the trailers that you recall?

6 A No.

7 Q I think this is a -- this may be a closer

8 version. This is marked as Exhibit 5-I from the Obitts'

9 deposition (indicating).

10 A I remember that. That's what I called the

11 Fruehauf trailer.

12 Q That's the Fruehauf trailer?

13 A That's -- that's what I'd say. And I don't

14 even remember the name on the side of it. It was just a

15 stainless steel trailer I remember, no name.

16 Q Okay. And this is Obitts Exhibit 5-J

17 (indicating). Does that truck in the background look

18 familiar?

19 A That's the old International.

20 Q This one right here (indicating)?

21 A Yeah. I don't know. That's the

22 International, I'm almost sure, but I don't think that's the

23 oldest one when I first started driving. It could be it,

24 but I don't think it looked that good.

1 MR. NASH: In a photograph, sometimes things look a
2 little shinier and cleaner than they really are. I've been
3 amazed at how some photographs of the old house look.

4 THE WITNESS: That is the International.

5 BY MR. McWILLIAMS (resuming):

6 Q Now, that tanker in the foreground that
7 says "chemical company" across the side, this tanker here
8 (indicating) --

9 A This one here, yeah.

10 Q -- was that a tanker that was on the road
11 or a tanker that was at the site or -- first, of all, do you
12 recognize that tanker?

13 A I recognize it, but I don't know which one
14 it was.

15 Q Was that one of the ones that was taken on
16 the road for the purposes of picking up solvent, or was it a
17 tanker that was used on site as storage; do you know?

18 A It would of had to been taken on the road.

19 Q Okay. Mr. Johnson, I'm going to show you
20 what's been marked as Exhibit 5-L from the Obitts'
21 deposition (indicating).

22 A Yeah.

23 Q Do you recognize what's going on in that
24 picture? Let me represent for the record that there's a

1 | tanker on its side.

2 | A Yeah. Sure, I understand what it's doing.

3 | Q Were you at the site during this time
4 | period?

5 | A I do not remember and I'd almost have to
6 | say no.

7 | MR. NASH: Those photos might have been from '64 or
8 | '65.

9 | MR. McWILLIAMS: So these photos may actually pre-
10 | date Mr. Johnson?

11 | MR. NASH: I don't recall for sure, but I think
12 | that they have been taken before. Also, Doug, there is a
13 | Carteret, New Jersey, but it's up near Perth Amboy, close to
14 | the ocean. I can show you on the map if you're interested
15 | in it.

16 | (Discussion had off the record)

17 | BY MR. McWILLIAMS (resuming):

18 | Q So, Mr. Obitts [sic], do you recognize that
19 | tanker in the picture --

20 | A No, I don't.

21 | Q -- that's on its side? Do you recognize
22 | the person whose in that picture?

23 | A No, I don't.

24 | Q Mr. Johnson, you've been very patient with

1 me. I'd just like to run through a couple of final names of
2 customers or potential customers and ask you if you
3 recognize any of them, okay?

4 A Sure.

5 Q Just to see if they jog your name --

6 A That's okay.

7 Q -- your memory in any respect. American
8 ChemSol, does that name ring a bell, American ChemSol?

9 A Yes, it does.

10 Q Do you recall American ChemSol as a
11 customer of Obitts Chemical?

12 A No, I don't; I can't remember, but they
13 could have. I don't remember that.

14 Q So you remember the name, but you don't
15 remember how?

16 A That is right.

17 Q Okay, that's fair. What about Erie
18 Universal, does that name ring a bell, Erie Universal?

19 A No, it don't.

20 Q What about Interstate Chemical, does that
21 name ring a bell?

22 A Interstate Chemical does.

23 Q Do you recall Interstate Chemical as a
24 customer of Obitts Chemical?

1 A No, I don't.

2 Q What about Allegheny Label, does that name
3 ring a bell, Mr. Johnson?

4 A No.

5 Q Again, we're just seeing if any of these
6 might jog your memory. What about a facility in New York
7 called Chautauqua Chemicals, does that name ring a bell?

8 A It sure does.

9 Q What do you remember about Chautauqua
10 Chemicals?

11 A Right there it is again. I don't -- I
12 remember the name, couldn't hardly forget that name.

13 Q Do you recall a pickup from Chautauqua
14 Chemicals at any time while you were driving?

15 A No, I don't. I can't remember.

16 Q What about Bacharach Industries?

17 A No, I don't know.

18 Q Does the name Pram Incorporated mean
19 anything to you?

20 A The Spray-On, did you say Spray-On?

21 Q Spram -- no, Pram, P-r-a-m?

22 A No, it don't.

23 Q The name Uniroyal, does that -- do you
24 recognize that as being a customer of Obitts?

1 A No. I recognize -- to me, that tells me a
2 tire, you know, tire company or something like that but --
3 Q You recognize it as a tire company?
4 A That's what I recognize, yeah.
5 Q Do you recognize it as a customer of Obitts
6 Chemical?
7 A Well, then again, it probably is -- almost
8 have to be a customer, but that's about all I know about it.
9 I think it might be.
10 Q So it might be --
11 A That's just -- only thing I --
12 Q Might be a customer?
13 A It might be.
14 Q Do you recall any Uniroyal facilities near
15 Obitts Chemical?
16 A Near it, I don't.
17 Q Do you recall any Uniroyal facilities where
18 there may have been pickups?
19 A No, I don't.
20 Q And do you recall picking up from Uniroyal
21 at any time yourself?
22 A No, no, I don't.
23 MR. McWILLIAMS: Okay. I'm going to take a break
24 for a minute and give my colleagues a chance to ask you some

1 | questions, too, but I reserve a few minutes at the end to
2 | follow up as I've gone through my notes, if you don't mind.

3 | THE WITNESS: Okay.

4 | MR. McWILLIAMS: Thank you very much, Mr. Johnson.
5 | Do you want to take a minute?

6 | THE WITNESS: Yes, I have to take a break.

7 | (Short Break Taken)

8 | **EXAMINATION**

9 | BY MS. O'BRYAN:

10 | Q Mr. Johnson, my name is Keely O'Bryan; we
11 | met yesterday. I work for the law firm of the name Thompson
12 | Hine in Cleveland, Ohio --

13 | A Yes.

14 | Q -- and I have a couple more questions for
15 | you today. Hopefully, I'm going to be as brief as I can be
16 | so we can get you out of here on time.

17 | We have some notes from telephone conversations
18 | that you had with the EPA investigator by the name of
19 | Margaret Herring. And, in those notes, it mentions that you
20 | were appointed a foreman for Obitts Chemical Company. We
21 | haven't talked about that yet, so I wanted to find out from
22 | you when that occurred?

23 | A I never mentioned that to nobody.

24 | Q Okay. So you were never a foreman when you

1 | worked for Obitts Chemical Company?

2 | A Never was a foreman -- they didn't even
3 | consider -- consider him a foreman, was Jim Jackson, and
4 | that's what he should have been or maybe he should have been
5 | a general foreman because Jackson helped keep things going.

6 | Q Okay, that's fine. I just wanted to
7 | clarify that with you.

8 | A That's right.

9 | Q Yesterday, you talked about making some
10 | trips to Jamestown, Pennsylvania. Do you recall that?

11 | A Yes, I do.

12 | Q And do you know where the location was in
13 | Jamestown, Pennsylvania? Do you remember an address?

14 | A No. I don't remember too much about it. I
15 | remember Jamestown, and that's it.

16 | Q Do you remember anything that would be
17 | distinguishing about the facility that you went to in
18 | Jamestown, Pennsylvania?

19 | A No, I don't.

20 | Q Do you recall picking up things from
21 | Jamestown, Pennsylvania, as well as delivering materials
22 | back to Jamestown, Pennsylvania?

23 | A Well, what I do remember, part of it, it
24 | had to be picking up and delivering, too, I would believe

1 | because otherwise, other than that, that's about all I can
2 | say.

3 | Q Now, because Jamestown, Pennsylvania is out
4 | of the state of Ohio, am I correct in assuming that you only
5 | went there when you were a first driver for Obitts Chemical
6 | Company?

7 | A As far as I remember, probably -- yeah, it
8 | was probably first.

9 | Q Okay. And that's the only time you went to
10 | Jamestown, Pennsylvania was when you were the first driver?

11 | A Far as I remember, yes.

12 | Q How many times did you go to Jamestown,
13 | Pennsylvania?

14 | A That -- I don't remember that, either.

15 | Q Do you remember what trailer you took when
16 | you went to Jamestown, Pennsylvania?

17 | A No, I don't.

18 | Q Or anything about the trucks that you took
19 | there?

20 | A Well, it was -- it was in the area just
21 | before I left Obitts Chemical Company, it would have to be
22 | the White, that was in the picture, or one -- I see on the
23 | back, one of the -- probably was the first B model Mack.

24 | Q B model Mack, okay.

1 A That's the two Macks they had when I
2 started there, so I'd take...

3 Q So it was one of the two trucks, either the
4 No. 7 White or the B model Mack?

5 A I'd have to say yes.

6 Q Do you remember whether you took only the
7 box trailer when you went to Jamestown, Pennsylvania?

8 A No, I don't.

9 Q Do you remember if you only picked up drums
10 from Jamestown, Pennsylvania?

11 A No.

12 Q Were you involved or were you aware at all
13 of how much Obitts Chemical charged to the facility in
14 Jamestown, Pennsylvania?

15 A How much Obitts charged?

16 Q Correct.

17 A I wouldn't have no idea.

18 Q You didn't -- you were not aware of that?

19 A No.

20 Q Okay. I'm going to turn to some
21 discussions yesterday about going to Jamestown, New York.
22 Do you recall that?

23 A Yes.

24 Q And what do you remember about driving to

1 Jamestown, New York?

2 A I don't know now.

3 Q Do you remember how many times you went to
4 Jamestown, New York?

5 A No, I don't.

6 Q Mr. Johnson, I want to refer you to EPA
7 Exhibit 7 that Mr. McWilliams went over with you briefly.

8 A Yes.

9 Q And, for the record, I'm pointing to EPA,
10 page number 000106. And I know this is difficult to read,
11 Mr. Johnson, so I'm going to describe to you what's written
12 on here, and I can let you take a look for yourself as well.
13 But there is an entry on this page that states Jamestown,
14 New York, and the months on this ledger sheet are April, May
15 and June.

16 This entry here specifies that it's SS Tanker.
17 Does that mean anything to you, Mr. Johnson?

18 A What tanker?

19 Q It says SS Tanker, and let me point you to
20 where I'm looking at.

21 A Yeah.

22 Q (Indicating) Here's the entry for
23 Jamestown, New York, SS Tanker. It's very difficult to
24 read. I don't know if this will help you.

1 A That's a 55-gallon tanker.
2 Q So that's "55" as opposed to "SS"?
3 A That's what it looks to me like.
4 Q Okay. I -- I was wondering if that would
5 refer to stainless steel tanker?
6 A It very well could.
7 Q Does that jog your memory at all about
8 trips you took to Jamestown, New York?
9 A Vaguely, it does.
10 Q What do you remember about that?
11 A I'm just begin -- I remember a little about
12 getting there and leaving and where it was at, but -- and
13 another thing, I don't remember too much other than that.
14 Q So you don't remember if you were picking
15 up anything from Jamestown, New York or whether you were
16 delivering something to Jamestown, New York?
17 A I'm almost sure I was delivering and
18 probably picking up, both.
19 Q Doing both?
20 A I would say, yes, that's what -- that's my
21 answer; that's all because I'm almost positive of that; I
22 don't know.
23 Q And do you remember where the facility was
24 in Jamestown, New York or anything distinguishing about that

1 facility?

2 A Well, I did -- what I do remember, seem to
3 me like it wasn't right in town, but it was in pretty close
4 to town, maybe overlooking town. Maybe not main streets but
5 some of the -- well, some of the pretty important streets.

6 I know they had -- what I'm thinking about it, it'd
7 almost have to be Jamestown. It had a dock. It overlooks
8 -- well, it's on a concrete dock and the middle of the plant
9 -- and what it was, it was overlooking some of the streets.

10 Q Okay. And you're talking about Jamestown,
11 New York right now?

12 A Yes.

13 Q So you remember going to Jamestown, New
14 York; you just don't remember today how many times you went
15 there?

16 A No. I don't remember how many times, no.

17 MS. O'BRIEN: Okay, Mr. Johnson, that's all I have
18 for you right now. I appreciate your time.

19 **EXAMINATION**

20 BY MR. HEER:

21 Q Good afternoon, Mr. Johnson.

22 A Good afternoon.

23 Q My name is John Heer.

24 A Glad to meet you.

1 Q I'm an attorney from up in Cleveland. I
2 wanted to follow up on a couple of the questions that
3 everyone's been asking you here today and yesterday, as
4 well. Before I start asking you questions, I'd like to let
5 you know that what I -- what I would really like for you to
6 do when you answer my questions is to tell me what you know
7 and what you remember rather than something that you might
8 assume to have happened.

9 I got the sense in a couple of your answers that
10 you might have been assuming that certain things happened
11 based upon other circumstances.

12 A That's possible.

13 Q And I'd rather you stick to what you
14 remember and what you know, and, if there's something that
15 you assume to have happened, just let me know that that's an
16 assumption on your part as -- as opposed to something that
17 you really know.

18 A I understand.

19 Q Okay. First, generally, I wanted to get
20 some understanding of what you did on a daily basis there at
21 the facility. I know that we've talked a little bit about
22 you driving the truck, obviously, to and from different
23 places but --

24 A That's right.

1 Q -- tell me just generally, what was an
2 average day like? Would you always go for a trip somewhere?

3 A Not always, but pretty -- pretty often.
4 I'd say most every day we -- yes, we probably had a trip
5 majority most every days.

6 Q Could you give me an estimate of how many
7 days a week you would have a trip somewhere?

8 A Outgoing trip, I'll have to say -- I say
9 about four, five -- five days, because most every day --
10 that's outgoing.

11 Q And by "outgoing," what do you mean?

12 A What's going away from Obitts Chemical
13 Company and what's coming in.

14 Q So, by "outgoing," you mean you were taking
15 a delivery somewhere?

16 A Could do it, yes.

17 Q Is that different than what you would call
18 a pickup?

19 A Yes. It sure would, yes; it would, yes.

20 Q On average, just -- again, just kind of an
21 estimate for me, how many days a week would you actually go
22 out and do a pickup?

23 A It'd have to the average and not no more
24 than three.

1 Q About three days a week on average?

2 A Three days would be okay, right.

3 Q Just generally, from your experience as a

4 driver, did you do more pickups or more deliveries?

5 A I would say it'd be -- average out more.

6 Q Which would be more?

7 A Be more delivery.

8 Q More deliveries?

9 A Yes.

10 Q Okay. And just so I understand, when

11 you're referring to a delivery, that would be the cleaned

12 chemicals being taken to a customer?

13 A It would be, that's it.

14 Q On an average day, when you were either the

15 first or second driver, would you say that -- we talked a

16 little bit just a second ago about an estimate that you had

17 for how many days a week that you would go out for a pickup

18 or a delivery.

19 About how many days a week would the other driver

20 go out for a delivery and pickup; do you know?

21 A The other drivers quite often would go out

22 more days than what I said for pickup.

23 Q More days than you for pickup?

24 A Yes, they would.

1 Q And how about in comparison to yourself,
2 how many days a week would they go out for a delivery?

3 A I would probably deliver the most if you
4 come out per day.

5 Q Okay. Just again to kind of clarify in my
6 understanding, during the timeframe when you were working
7 there and driving, was it -- was it generally two drivers
8 that were actively doing pickups and deliveries, the first
9 and second?

10 A Yes.

11 Q Would it be sort of an exception to the
12 rule for the third driver to actually go out and do a pickup
13 or delivery?

14 A I think it would; it would.

15 Q It would be an exception?

16 A Yes.

17 Q I couldn't tell from the way you were
18 describing earlier the duty -- or how the jobs were broken
19 up between first driver and second driver, whether being
20 first or second meant that you actually did more trips.

21 If you were first driver, did you actually do more
22 trips than second driver?

23 A First driver do more.

24 Q First driver did more?

1 A Well, the first driver like this, when it
2 comes out for the trips, the first driver might look at
3 them, and he would always take the best trip. Maybe not all
4 the time, I never felt like that myself. But that wasn't
5 that way most of the time even before I was first driver or
6 any second or what. To me, it should have been different.
7 That went on -- that way with me.

8 Q Okay. What would make a trip better than
9 another trip? What would you use in your own mind to decide
10 what was a better -- better trip?

11 A It's where you may be traveling, your
12 destination and roads and whichever -- and what --
13 everything's involved, like roads and -- and wherever it had
14 to be, you know, it's all according. I don't know.

15 Q Based upon what you've just described,
16 would it be fair to say that, if you were first driver, were
17 you always the driver that would go to certain locations
18 that you considered to be the best trips?

19 A Not -- not always.

20 Q Not always, okay.

21 A That's right.

22 Q So there could be trips made by the second
23 driver to locations that you also went to as first driver?

24 A Possibly, that's true.

1 Q So, in your experience, as first driver,
2 for instance, if you went to a particular facility once a
3 month, was it possible that the second driver was also going
4 to that facility perhaps once a month or more?

5 A Anytime I do that myself, it would be about
6 -- about the same time, about the same distance, whatever,
7 you know. One wouldn't be no more than the other.

8 Q Okay. Let me just use, as an example, if
9 you considered one of your -- your regular trips someplace
10 in Ohio, some location in Ohio, if you went there on average
11 once a month as the first driver, would it be fair to say
12 that the second driver might also be going to that location
13 once a month, or would you have been the exclusive driver
14 for that location?

15 A Probably would; I probably would be.

16 Q Would have been the only driver going to
17 that location?

18 A Probably.

19 Q If we can narrow down the timeframe for you
20 when you were actually the second driver, I -- I gathered
21 from yesterday's discussion that roughly you would have been
22 second driver from 1967 to 1970 or so; is that a fair
23 description of the timeframe?

24 A '67 -- oh, yes, that -- that's pretty

1 close.

2 Q And that's all I'm asking for, is something
3 that -- that you consider to be a reasonable estimate.

4 A That's reasonable.

5 Q All right. And then first driver, you
6 would have been from roughly 1970 to 1972?

7 A That's right.

8 Q When you were the first driver, who was the
9 second driver?

10 A I'm not for sure. It -- they got one there
11 named Stan and the other one; I'm not for sure who that
12 second driver was because -- it might have been Gastin. I
13 don't know for sure. I would say probably him because I
14 think, far as I remember, he was there before the boy by the
15 name of Stan Reed.

16 Q Uh-huh. So he probably would have had
17 seniority?

18 A Yes.

19 Q Okay. Let me switch gears a little bit on
20 you and ask you a more general question about the customers
21 of Obitts' business. Do you have any sense at all as to how
22 many customers generally they had at any given time?

23 A No, I don't.

24 Q Is there any way for you to give me an

1 estimate - just a reasonable estimate in your own mind - of
2 how many trips were made for Obitts Chemical on a weekly
3 basis, not just yourself but the other drivers included?

4 A I'd say about seven, eight trips.

5 Q Seven or eight trips a week?

6 A Yes.

7 Q And that would include yourself and the
8 other drivers?

9 A That's right.

10 Q I'd like to ask you a little bit about one
11 of the customers that you identified yesterday, Sherwin
12 Williams in Cleveland. I believe you said yesterday that
13 you went there quite often; is that true?

14 A That is true.

15 Q I wanted to get a better sense of what --
16 what that meant to you. What do you -- what do you remember
17 as being "quite often" for Sherwin Williams?

18 A Well, Obitts picked up from Sherwin
19 Williams quite often. I'd say, far as I'm concerned, quite
20 often. I'd say not -- not no week would go by without me
21 being in there and you're talking about the first driver or
22 something like that. But anyway I'd say not a week goes by
23 without being in there.

24 Q So at least once a week?

1 A Yes.

2 Q Now, in your recollection of going to
3 Sherwin Williams, were you going there as first driver or as
4 second driver?

5 A I have done it both ways, first and second.

6 Q So, for that whole timeframe when you were
7 second and first driver, you were going to Sherwin Williams
8 as often as you've just described?

9 A That's right.

10 Q At least once a week or so?

11 A Yes.

12 Q And I understand that you went there and
13 you took a tanker with you?

14 A Every time you go, I remember a tanker.

15 Q Okay. Do you ever remember going there
16 with a box trailer to pick up drums?

17 A I'm not too for sure; I'm not sure about
18 it.

19 Q Okay. And I appreciate that. I'd much
20 rather know when you're sure about something rather than --
21 than a guess; okay? And I think you said that the tanker
22 that you took there was the -- the stainless steel Fruehauf?

23 A The one for delivery, most the times I ever
24 knowed anybody else taking, myself, was the stainless steel.

1 Q So the trips that you remember taking
2 approximately once a week to Sherwin Williams, those -- were
3 those deliveries or pickups?
4 A Mostly pickups.
5 Q Mostly pickups, okay.
6 A That's right.
7 Q Can you give me a sense of how much -- how
8 many were pickups versus how many were deliveries?
9 A There'd be many, three or four deliveries
10 that they would -- pickups I mean, back up. You got three
11 or four pickups before they would delivery, at least three
12 or four.
13 Q So maybe three or four pickups to one
14 delivery or so?
15 A Oh, yes.
16 Q Was that generally the same type of
17 proportion of pickups to deliveries as other customers, in
18 other words, the three or four pickups to one delivery?
19 A Deliveries to Sherwin Williams was a little
20 bit more than it was for the other customers. I'd say it
21 was a little bit more; it was more.
22 Q More deliveries --
23 A Yes.
24 Q -- as compared to other customers?

1 A That's right.

2 Q As you sit here today, can you remember the
3 actual facility that you would go to at Sherwin Williams?

4 A For pickup, yes; for delivery, yes, on
5 that.

6 Q Can you just describe for me what you
7 remember about each -- each of those locations?

8 A For pickup, 100 percent of the time, you
9 had to take what was called this dirty -- dirty tanker. You
10 had to back in there at Sherwin Williams Company. On the
11 side road, you had to back in the street. It was around the
12 side of the building towards the first -- towards the first
13 part of the building when you're backing in. Then you have
14 to put your trailer back over toward the railroad track and
15 get them where you clear to the railroad tracks, and then --
16 that's where I always got it.

17 But then we didn't worry about putting our static
18 lines or nothing because they done it. And they start --
19 and they'd bring the stuff out and load the tankers up.
20 That's for delivery -- for pickup and they pumped that hose
21 -- they pumped that hose up over top of the building, not
22 from the ground into the tanker. It was from up top the
23 building into the tanker.

24 Q Okay. Let me ask you -- I'll ask you about

1 | that part of it in particular in just a second, but let me
2 | back you up. Do you remember the actual address or the
3 | location in Cleveland where the facility was where you
4 | picked up?

5 | A The address, I can't -- I don't know the
6 | exact -- exact address; I don't know it.

7 | Q Generally, can you remember an area of
8 | Cleveland where it was located?

9 | A Yes, down in what they called the sort of
10 | flats like.

11 | Q Down by the river?

12 | A It's right beside the river, Cuyahoga
13 | River.

14 | Q Gotcha, all right. When you were there for
15 | pickups, do you remember dealing with any individuals in
16 | particular? Do you remember any names?

17 | A No. I knowed most the people done the work
18 | and, like I said before, when we pull over and get ready for
19 | them to start loading, that -- that's all we done. It would
20 | be done maybe for -- pull in and about 7:00 in the morning.
21 | We might not get out of there till about 5, 6, 7:00 at
22 | night.

23 | Q Really?

24 | A That's according to how long it'd take them

1 to fill the tanker.

2 Q So it would take them sometimes all day to

3 -- to load up the tanker?

4 A Yes.

5 Q Okay. Was it always the case that, when

6 you went for a pickup, that the Sherwin Williams' employees

7 would load your tanker?

8 A Yes, they would.

9 Q Did you ever load your tanker when you were

10 at Sherwin Williams?

11 A Never, I didn't.

12 Q Did you ever see the materials that were

13 actually being loaded into the tanker at Sherwin Williams?

14 A Occasionally, I might.

15 Q What -- what did you -- did you recognize

16 what was going into your tanker?

17 A Yes, I did.

18 Q What was it?

19 A It was dirty solvent, dirty paint solvent.

20 Q Did it ever change in color or in

21 thickness?

22 A Sure, yes, it would change; it would have

23 to. It -- it changed.

24 Q What would you do generally while it was

1 loading up into your tanker if it took all day?

2 A I can do what I want to. If I want to go
3 downtown to eat dinner or anything I want to. It didn't
4 make no difference. It's until -- the average time it would
5 be, you better figure four to five, six hours at the most
6 for sure, you know. Just go wherever you want to, but that
7 -- you have to be there when it gets loaded. When it gets
8 loaded, you better be there, the driver had.

9 Q In your recollection, was your tanker
10 always full when you left after picking up from Sherwin
11 Williams?

12 A I'd say always.

13 Q Never had like a half load or a three-
14 quarter load from Sherwin Williams?

15 A I never have.

16 Q Were all the trips that you recall picking
17 up from Sherwin Williams -- well, let me back up and re-ask
18 that. Were all the trips that you remember taking to
19 Sherwin Williams done for Obitts as opposed to other
20 employers?

21 A Every one.

22 Q Did the frequency of your trips to Sherwin
23 Williams ever change? In other words, did you ever go a lot
24 more frequently than once a week and then maybe for a

1 stretch where you would go less than once a week, or was it
2 pretty consistent?

3 A No. It was -- it was more. It's more than
4 once a week. It was a lot more than that.

5 Q So it would -- it would be more rather than
6 less than once a week?

7 A Yes.

8 Q Tell me a little bit about where you
9 delivered to Sherwin Williams. Was it -- it was not at the
10 same location that you picked up?

11 A No, it's not. It's beyond where you pick
12 up. You go -- go into the side of the building from the
13 street. When you cross the railroad track, you come up
14 behind the building and go in behind the building, and they
15 had their tanks down right over -- over Cuyahoga River. It
16 was right over top of it, and then with -- you know, where I
17 always come in at -- and that's -- when you delivered, you
18 had to back them tankers back down over two or three
19 railroad crossing, I think. Yeah, it was about two or
20 three.

21 It could be kind of dangerous getting in there.
22 And then it could be dangerous you couldn't get out. Now,
23 thinking about that, I'll go this way. When I first started
24 taking in there when -- well, first time I ever remember

1 taking in there, Jim Jackson told me, said -- and he was up
2 there to pick up or something, and I had a load and -- no,
3 he was -- he was delivering, and he had the tanker. And I
4 did pick up.

5 You asked me a while back about drum work. I --
6 know here it is, we did pick up drum work because -- now, I
7 think I'm remembering more or less we did drum work. But
8 Jim was there and I was kidding him. I said "Man, your
9 easy." I said, "You went in there and unload that thing,
10 come out, no trouble." He said, "Bet you can get in there
11 sometime and can't get out."

12 "Now, Jim, any place I get in, I'll get out." He
13 said, "I said that, too." He said, "I've got in there
14 before and I could not get out." He had to take a tow motor
15 and lift the tanker up and pull it out. I got in there
16 after that, and I done the same thing.

17 Q Got stuck?

18 A Yeah. And I got in there and when I backed
19 in -- now, I remember then, now, we -- we used our hose
20 ourselves, the drivers, I remember I did. It wasn't like
21 picking up.

22 Q For the deliveries, you mean?

23 A Yes. We used our own hose, and I backed in
24 there, and I think, "Well, nothing to it, easy." Before I

1 | start -- when I started getting out of there, I started
2 | trying to get that rear-end straight so I can get it back
3 | up off the tracks. I couldn't do it. I had to get me a tow
4 | motor. I think I had to get two of them, to come and pick
5 | that up and set it down.

6 | Q Now, when you would make deliveries there,
7 | kind of the same question as before about pickups. Was your
8 | tanker always full when you were making deliveries?

9 | A I'd say it was always full.

10 | Q Now, you mentioned just now that you
11 | remembered maybe some drum -- was it pickups or deliveries
12 | of drums?

13 | A It would be pickup.

14 | Q How frequently would that happen?

15 | A Just occasionally.

16 | Q And, by "occasionally," can you give me an
17 | estimate, once a month, once a year?

18 | A Maybe once a month -- no, maybe once every
19 | two or three months or four months, not -- not very -- about
20 | four months or so.

21 | Q Now, would that be done on the box trailer?

22 | A Yes, it would be.

23 | Q Would that be a full load in the box
24 | trailer?

1 A Pickup, it would be a full load --
2 Q All right.
3 A -- would be.
4 Q All right. Now, during the time when you
5 were making deliveries and pickups to Sherwin Williams, were
6 you aware of another driver from Obitts also making
7 deliveries and pickups from Sherwin Williams, or would you
8 have been the exclusive one during that timeframe?
9 A No. It's -- it's been two at a time
10 before, yes.
11 Q So there would have been somebody else
12 maybe doing deliveries and pickups at the same time?
13 A Yes, it could be, yes.
14 Q Now, you said "could be," but are you sure?
15 A Yeah, I'm sure they could, sure.
16 Q All right. Did the -- did the location for
17 pickups or deliveries ever change?
18 A No.
19 Q During the time when you were driving
20 there, you always picked up at the same place and you always
21 delivered at the same place?
22 A That's true.
23 MR. HEER: All right. I think those are all the
24 questions that I have for you. Thanks very much.

EXAMINATION

1

2 BY MS. KNOWLES:

3

Q Hi, Mr. Johnson, how are you?

4

A Okay.

5

Q My name is Rebecca Knowles. I'm an

6

attorney with the firm of Kaufman and Canoles. I'm from

7

Williamsburg, Virginia, so I have a little different

8

location than some of my colleagues here.

9

A Yes.

10

Q I wanted to -- as the others have done, I

11

wanted to ask you a few questions about a particular

12

customer named Jones Dabney. Yesterday, when you were

13

testifying, you mentioned a Jones Company in Detroit?

14

A Yes.

15

Q And then I think later on you may have

16

mentioned or maybe one -- one of the lawyers mentioned the

17

name Jones Dabney?

18

A Yes.

19

Q Could you tell me your best recollection of

20

the name of that particular customer?

21

A No. Only thing I know is what we had to

22

do, go in and pick up and all that. That's all I know.

23

Q And what city was that in?

24

A It was in Detroit.

1 Q And do you know where in Detroit that was?
2 A Yes. It was right -- set right on the side
3 of Caniff. I think that's the name of the street, Caniff
4 Street.
5 Q Caniff?
6 A Yes.
7 Q Do you know how to spell that?
8 A Not really.
9 Q May I suggest something?
10 A Okay, it starts --
11 Q Is it C-a-n-i-f-f perhaps?
12 A Yes, yes, yes, it is.
13 Q Okay, good. Do you remember seeing a sign
14 or a name of the company somehow near the plant?
15 A Yes, I've seen it before.
16 Q Do you recall what the sign said?
17 A Only one I recall at the -- the paint
18 company name. That's the only one I've ever seen.
19 Q Okay. It was a paint company; right?
20 A Yes.
21 Q Do you remember how you would -- the
22 location of the pickup and deliveries? Can you describe --
23 I know you've been very good in some cases about describing
24 how you would back up or how you would have to configure

1 | your --

2 | A Oh, yeah.

3 | Q -- your trailer?

4 | A Well, we come in, in the front entrance,
5 | and you have to circle around into the back, back to where
6 | you picked up. And that's around the -- you go around -- I
7 | think you go around -- yeah, you go around a couple
8 | buildings and get in the back before you come back out.
9 | And, when you come back out, load to come back out, where
10 | the warehouse -- warehouse is where they got their materials
11 | to be picked up.

12 | It's -- I think it's on the far side -- it'd be on
13 | the plant's even fence, I imagine. But, when you come out
14 | -- see, you get a load, you have to back in, and they loaded
15 | you up theirselves with a tow motor. And then, when you go
16 | out, you have to come -- come to the end of the building.
17 | You had to made a dead right, and you had to make a dead
18 | left to get out to the entrance to go out.

19 | And I tell you one thing, I was in there one time,
20 | and they loaded me up. So I went up to make that entrance
21 | out -- the exit out, and the building -- I don't know if it
22 | was ever like that or not. On the building, on the corner
23 | top of the building, the company -- I'm not sure they had it
24 | there all the time; I didn't think so, but they had

1 something sticking over the corner.

2 A piece of wrought iron was sticking over
3 approximately four -- oh, maybe three feet, two and a half
4 feet on the top of that building. And, when you come out to
5 unload, I knowed you could always hit that, and I hit it one
6 day.

7 And, when I hit it, they had -- down below that
8 building, was in that corner, they had a bunch of drum work
9 there setting there. They wasn't open tops, they was closed
10 tops. They had them setting right against the building.
11 And, when I hit that that day, that thing throwed fire all
12 over the place -- I mean, all over them drums and
13 everything.

14 Q I'm sorry, what -- what went all over? I
15 missed the --

16 A Fire, electricity. That trailer is a
17 stainless steel trailer. It went into that high-power
18 voltage. It burned a hole in that stainless steel. And all
19 over -- the drum work was laying on the ground right beside
20 the building. So I couldn't see in the -- in the mirror
21 just what it was doing, so I started to get out, and they
22 hollered at me, "No, don't get out, don't get out."

23 I wasn't aiming on getting out. I got out on the
24 tank, on -- on the gas tank, fuel tanks where I could look

1 up. And I look up and I seen what it was. I seen it was
2 right over the top of the driver about that far from the top
3 of the trailer (demonstrating). That's where it was hit.
4 It was stuck into the trailer.

5 Q So the piece of wrought iron stuck a hole
6 in the trailer?

7 A Yeah. It was that high power electric on
8 it. The wire, that's what went in --

9 Q And --

10 A Then the guys kept on hollering, and I
11 said, "I'm not -- I'm not getting down." If I'd have got
12 down, it would have killed me. I knowed it. But then I got
13 -- jumped back in and shut the door, and I go to the right
14 mirror, and I look back to the end of the building where we
15 was loading. My rear trailer tire was about that far
16 (demonstrating) -- they had a piece of wrought iron railed
17 up at the corner of the building. It was about a foot and a
18 half high -- oh, maybe two foot high.

19 I had my wheel lined up to that where I could miss
20 it. When I started, that electricity started -- it started
21 firing more. I mean, it done everything, and I just floor-
22 boarded it. And I had it lined up right toward that so it
23 would miss it, but it didn't miss it. My rear tire didn't
24 miss it. It hit it and tore that tire off.

1 Q How long did it take before you could
2 actually leave the plant after that?

3 A Well, I wasn't in there too long, not over
4 -- after that, I'd say about, not over a half hour. I had
5 to get out of that and then, if I remember, I pulled out to
6 the side and got over to where I could. I stopped -- went
7 and got a bunch of phones there where I could get to a
8 phone, and I called all over, and this is hard to believe.
9 I called all over Detroit for a 10100 tire.

10 I got -- I had to go to, I think it's Taylor Truck
11 Stop down south of Detroit, quite a ways down on 75, I
12 believe it was. I had to go down there for the place -- I
13 got, I couldn't buy a 10100 tire nowhere in Detroit. That's
14 unusual, I mean...

15 Q No tires in Detroit?

16 A And that's -- that's all I know about. I
17 know about picking up and everything and they did load just
18 like I said. And you had that exit and -- and I don't know
19 what they ever done about that or about that thing sticking
20 out like it was. But I thought to myself it was awful
21 dangerous because...

22 Q Were your deliveries made in the same
23 location that the pickups happened?

24 A I'm not -- I don't -- I'm not -- I don't

1 even remember delivering one there.

2 Q Okay. In fact, I should back up and ask
3 you that. Do you remember making deliveries to --

4 A No. I remember pickup.

5 Q Going back to some of the questions you've
6 been asked about other companies, would it be the case that
7 another driver could make deliveries and you would make
8 pickups for this particular customer?

9 A That's possible, yes.

10 Q Now, let me finish with the plant just a
11 second. Do you remember the name of anybody that you talked
12 to at the plant?

13 A I remember the guy that load, but I forgot
14 his name. Only thing I remember him by, he always had a --
15 old chewing tobacco in his jaw, and he'd load you up, and
16 he'd spit on the can. I did know his name, but it skipped
17 my mind.

18 Q Did you get any documents from the plant
19 when you made a pickup?

20 A Yes, we got bill of lading.

21 Q And what would happen to that bill of
22 lading?

23 A I'd keep it and turn it in when I got into
24 my destination, which would be Obitts Chemical Company.

KRM

1 Q Any other documents?

2 A No. That's all I remember.

3 Q For this particular facility in Detroit,

4 what is your best recollection of how often you picked up --

5 made pickups from that plant?

6 A I'd say about -- about once probably every

7 -- I'd say every four weeks.

8 Q About once every four weeks?

9 A Yeah.

10 Q How far is it from Obitts to the Jones

11 Dabney plant in Detroit?

12 A How far it is from --

13 Q Miles roughly?

14 A From Elyria?

15 Q Yes, I'm sorry.

16 A It's 100 and some mile; I'd say about 170

17 some miles or something like that -- 77, I think; I'm not

18 for sure, but that's pretty near.

19 Q Could you make the trip in one day?

20 A Yeah.

21 Q I believe before you had said that your

22 recollection is, this was primarily drum work that you were

23 picking up?

24 A Yeah, it was, yes.

1 Q Do you recall ever using a tanker?

2 A No, I did -- no.

3 Q So you would have to be using the box
4 trailer; is that right?

5 A That's right.

6 Q Do you remember which trailer you used? I
7 know we've discussed two.

8 A Well, it's either one. It could be one --
9 of the two trailers, it had to be one of the two, so just
10 whichever it was.

11 Q Now, as I recall, you said that those
12 trailers could hold up to about 40 drums; is that right?

13 A Yes, that's right.

14 Q When you would pick up from Jones Dabney,
15 would they -- would the loads be full, or would they be
16 partial?

17 A I'd say full all the time.

18 Q So about how many drums would there be, 30
19 to 40; we'd say 40, I guess, if you think it's full most of
20 the time?

21 A I'd say about 40.

22 Q When you'd pick these up, do you know if
23 the drums themselves were completely full, or could they be
24 partially full? Would you have any way of knowing?

1 A I got -- I've got no way of knowing.

2 That's all I can say.

3 Q Okay. Let's -- let's go ahead and talk a
4 little bit about when you were first driver. I think you
5 said you were first driver in '70, '71 and '72; is that
6 right?

7 A Yes, that's right.

8 Q And you went about every four weeks or so
9 to Jones Dabney?

10 A That's right.

11 Q Did you -- for each of those years, '70,
12 '71 and '72, did you go with the same frequency, or did it
13 change over time?

14 A It changed.

15 Q How did it change?

16 A Well, especially the last year that you
17 mentioned, I did not go very often.

18 Q Did you go at all in 1972?

19 A I'd say yes.

20 Q I believe you left in April; is that right?

21 A Yes.

22 Q In the three or four months you were with
23 Obitts in 1972, about how many times do you remember going
24 to the Detroit facility?

1 A I'd say one time.

2 Q Was it your recollection that other drivers
3 also went to the Jones Dabney facility?

4 A Yes.

5 Q Do you have any recollection about how
6 often they would go?

7 A No, I don't.

8 Q And is it possible that they were making
9 deliveries as opposed to doing pickups?

10 A It's possible.

11 Q You don't really remember very well what
12 the other drivers were doing; do you?

13 A No, I don't.

14 Q You also mentioned in your testimony
15 yesterday that there was another company in Detroit that was
16 a customer of Obitts Chemical. Do you remember who that is?

17 A No, I don't.

18 Q As I recall, you may have covered this in
19 your interviews with Mr. Nash, but I'm trying to figure out
20 if there -- how many customers of Obitts there were in the
21 Detroit area. Do you -- did you go to any other customer,
22 other than Jones Dabney, that you recall?

23 A I'm sure I did, but that's -- I'm not sure
24 who --

1 Q That's as good as it gets, okay. Can you
2 remember anything about the location of that other customer?

3 A No.

4 MS. KNOWLES: I think that's all I have.
5 Mr. Johnson, thank you very much.

6 **EXAMINATION**

7 BY MR. HEER:

8 Q Mr. Johnson, I forgot to clarify I think
9 two questions on Sherwin Williams again. You mentioned
10 earlier that you recall there being more deliveries to
11 Sherwin Williams in relation to their pickups in comparison
12 to some of the other customers; did I get that right?

13 A More deliveries than the pickups?

14 Q Well, you said, I think, there were three
15 or four pickups to each delivery for Sherwin Williams?

16 A That -- that'd be near right.

17 Q And that that proportion of deliveries to
18 pickups was a little bit more for Sherwin Williams than for
19 some of the other customers; did I understand that right?

20 A I can't say that..

21 Q Okay, all right. What I was curious about
22 was, when you told me the figure of at least once a week
23 going to Sherwin Williams, was that pickups or deliveries
24 that was at least once a week?

1 A If I went once a week, that would be for a
2 pickup; that wouldn't -- that would be just delivery one
3 time.

4 Q Can -- can we narrow down about how many
5 times a week on average Obitts Chemical would go to Sherwin
6 Williams for pickups? Would that have been about once a
7 week?

8 A No. As a company, I imagine it would -- if
9 you break it down like that, I'd say at least twice -- twice
10 a week.

11 Q For pickups?

12 A Yes.

13 Q And then approximately on average how many
14 times a week would the company go to Sherwin Williams for
15 deliveries?

16 A My recollection is about, on delivery, I
17 say about a month.

18 Q Maybe once a month?

19 A That's what I'd say, I think; I don't know.

20 Q Did -- I'm sorry, go ahead, you're --

21 A I don't know; that's okay.

22 Q During the time when you were going to
23 Sherwin Williams, you made both the deliveries and pickups;
24 right?

1 A I have, yes.

2 Q Was there anyone else making deliveries to
3 Sherwin Williams during that same timeframe, besides
4 yourself?

5 A Yes, there has been.

6 Q So, when you're saying approximately once a
7 month for deliveries, is that for you individually or for
8 you, as well as the other Obitts' drivers?

9 A That's for all of them.

10 Q All of -- all of you from Obitts?

11 A Yes, that's right.

12 MR. HEER: That's what I wanted to clarify. Thank
13 you very much.

14 MR. NASH: Ken, before you get up, there was
15 something that Doug raised, and didn't go further into, and
16 since it hasn't been touched on in any more detail, I
17 thought maybe I ought to add this in.

18 **EXAMINATION**

19 BY MR. NASH:

20 Q Just a couple questions about something
21 that Doug had asked you when he was going through that list
22 of destinations, that it appeared you'd gone to -- was it
23 the International, was that the truck in -- what is it
24 Exhibit No. 7?

1 MR. McWILLIAMS: Yes.

2 BY MR. NASH (resuming):

3 Q And Doug was asking about if you'd gone to
4 certain destinations. One of them was Bedford Heights. Do
5 you remember going to Bedford Heights --

6 A Yes.

7 Q -- to make pickups?

8 A Yes.

9 Q And do you remember the name of the company
10 you picked up from there?

11 A It was Spray-On Corporation.

12 Q Spray-On. And do you remember whether that
13 was in tankers or in drums?

14 A I'm not for sure.

15 Q If you're not sure, well, I'd rather not
16 have you guess, like Mr. Heer. Do you know how often you
17 went to Bedford Heights to Spray-On?

18 A To Spray-On, I'd say occasionally.

19 Q And, by "occasionally," do you mean once a
20 week or once a month or --

21 A No, maybe once a month or probably longer.
22 It wasn't that frequency.

23 Q Once a month or less to Spray-On in Bedford
24 Heights?

1 A You said, what was that, pardon me? Did
2 you say whereabouts?
3 Q To Spray-On in Bedford Heights?
4 A Yes, it is.
5 Q Once a month or less often?
6 A It was less often.
7 Q And do you know how much you would pick up
8 at a time there?
9 A No, I -- no, I can't tell you.
10 Q Do you know what period of time that you
11 would have been going to Bedford Heights when you first went
12 to Bedford Heights?
13 A Yes, it was in the morning.
14 Q I'm sorry?
15 A I said, it'd been in the morning --
16 Q In the morning?
17 A -- along about 10:00 or something like
18 that.
19 Q Do you know what year?
20 A No, I don't.
21 Q Would you have been the number -- the
22 number one driver or the number two driver at that time?
23 A Well, when I first know -- first time I
24 ever knowed them, I was probably the number two driver

1 the other locations, did you ever pick up split loads? And,
2 by that, I mean, stop at one facility, pick up 10, 15
3 barrels, then go on to another facility, pick up 10 and 15
4 barrels, and then go back to Obitts, or was it always a
5 devoted trip to one facility?

6 A I'd say to one facility.

7 Q Okay. So you don't remember ever picking
8 mixed loads?

9 A Far as I know, I didn't.

10 Q Now, sir, you only described to me pickups
11 from the Kankakee facility; is that right? You don't recall
12 ever doing a dropoff to Kankakee?

13 A Just pickup.

14 Q Do you remember enough about the Kankakee
15 facility that you could describe it for me?

16 A No, not really.

17 Q Do you remember the address?

18 A No, I don't.

19 Q Sir, in any of your other jobs, did you
20 ever haul to a site called American Chemical Services that
21 you can recall?

22 A I know I did, but I -- but that's all -- I
23 can't tell you where or what.

24 Q So but you do have a recollection to

1 | hauling to a site called American Chemical Services, ACS?

2 | A Yes.

3 | Q Sir, did you, when you were going to the
4 | Kankakee facility, ever see the material or the product that
5 | was in the tanks -- the drums, I'm sorry, the drums that you
6 | were picking up?

7 | A Only time I seen the material is one time,
8 | I went in there and picked up dirty solvent. I had to see
9 | it. I had to pump it in.

10 | Q So it was solvent?

11 | A Yeah.

12 | MR. ROBERTSON: Dirty solvent, okay. That's it for
13 | me. Thank you, sir.

14 | **EXAMINATION**

15 | BY MS. SMITH:

16 | Q Mr. Johnson, my name is Sabrina Smith --

17 | A Yes.

18 | Q -- and I just have a few questions for you,
19 | and I promise I will make it quick because I know I told you
20 | yesterday that I didn't think I'd have any, so I want to be
21 | as quick as possible for you and for me.

22 | I just want to talk to you briefly about your trip
23 | to Jamestown, New York. Do you remember Obitts having a
24 | customer in Jamestown, New York?

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1 A Yeah. I knew they had a customer, yes.

2 Q Do you remember the name of that customer?

3 A No, I don't.

4 Q And do you remember how many times you went

5 to Jamestown, New York?

6 A No, I don't know.

7 Q And do you remember whether you would have

8 taken a tanker or a box truck to Jamestown, New York?

9 A Far as I know, a box truck.

10 Q And yesterday we talked about both -- both

11 Jamestown, Pennsylvania and Jamestown, New York. And so I

12 want to make sure, when you answer my questions, that you're

13 talking about Jamestown, New York because we know that they

14 are two separate places; okay?

15 A Yes, that's right.

16 Q Do you remember whether you would have

17 taken the stainless steel tanker to Jamestown, New York?

18 A I did; I think I did.

19 Q You did? And yesterday you said that the

20 stainless steel tanker was the 5,000 gallon clean tanker?

21 A It is.

22 Q So, if you took that tanker to New York,

23 were you taking clean chemicals to the facility in

24 Jamestown, or were you picking up dirty chemicals with that

1 | you think that that's probably what happened?

2 | A I remember some of it.

3 | Q So you remember going once or twice to pick
4 | up dirty chemicals and once or twice to deliver clean
5 | chemicals?

6 | A That's about it.

7 | MS. SMITH: Okay. Thank you so much.

8 | EXAMINATION

9 | BY MR. MCWILLIAMS:

10 | Q We're getting towards the end, Mr. Johnson.
11 | I just have a few followup questions. When we took
12 | Ms. Dorothy Obitts' deposition, she had some recollections
13 | about Glidden as a customer. She recalled there being, and
14 | I'll quote, (reading): With respect to Glidden Company, how
15 | often would Obitts Chemical pick up materials from the
16 | Glidden Company facility?

17 | She answered "about once a week," and she indicated
18 | that, in between 1962 and 1974, (reading): "How would you
19 | characterize the consistency of the business Obitts Chemical
20 | had with Glidden Company?" Mr. Millican opposed --
21 | interposed an objection, but she then answered, "It was
22 | pretty steady, the business. We went there about once a
23 | week, and it was pretty steady."

24 | Mr. Johnson, were you involved in pickups from the

1 | Glidden facility during your time period in 1965 to 1972?

2 | A Yes, I have.

3 | Q And what did you pick up from the Glidden
4 | facility?

5 | A To be honest, the only thing I remember
6 | about picking up is picking up there, I know, but, other
7 | than that, it was dirty solvent, I believe.

8 | Q And would it have been in a tanker, or
9 | would it have been in a box truck for drums?

10 | A It would have been drum work.

11 | Q Drum work. And, for your role, with your
12 | truck, how often would you -- do you recall going to Glidden
13 | to pick up with the truck, the box trailer, how frequently?

14 | A I'd say not over two -- twice -- not over
15 | twice a month to pick up.

16 | Q And, when you go to Glidden in Cleveland
17 | twice per month to pick up, how many drums on average would
18 | you pick up from the facility?

19 | A What I remember about it - what little bit
20 | I remember about picking up there - that was -- we'd get
21 | some there sometimes might not be a full load. I think it
22 | was asked a while ago, about one of the other ones, I said
23 | it would always be a full load, like Jones Paint Company.
24 | But what I remember, I would say there has been some that

1 Q When you say you delivered to them, you
2 mean you delivered solvents to them?

3 A Yes, tanker.

4 Q Did you deliver and then pick up at the
5 same --

6 A No.

7 Q -- at the same --

8 A It was tanker work, yeah, and that was it.

9 Q So there was a period there where you were
10 delivering chemicals to Glidden?

11 A That's right.

12 Q And there was a period when you were
13 picking up chemicals in drums from Glidden?

14 A That's right.

15 Q So, in 1972, were you still picking up
16 drums from Glidden?

17 A '72, evidently I would say they were
18 picking them up, but I don't believe I did.

19 Q That would have been other drivers?

20 A Last time I remember myself as I delivered
21 during that, might have been like -- I don't even think it
22 was '72 then.

23 Q Okay. That's helpful; I appreciate that
24 clarification. Do you know a gentleman named Don Cain?

1 Does that name ring a bell?

2 A It rings a bell, yes.

3 Q Do you -- do you know why you -- or how do

4 you recall Don Cain?

5 A I don't know. I just know -- know the

6 name.

7 Q Does the name C&C Supply ring a bell as a

8 customer of Obitts Chemical?

9 A It sounds familiar to me.

10 Q Do you recall doing any pickups from C&C

11 Supply?

12 A Not really.

13 Q I know we're getting towards the -- the end

14 of our time here. Yes, I -- I believe -- I believe

15 Mr. Johnson recalled Don Cain. He just wasn't sure how.

16 Mr. Johnson, did you ever pick up from a hospital?

17 A I don't remember; I don't remember.

18 Q What about a company that makes balloons?

19 Do you recall picking up from a customer -- a company that

20 makes balloons for Obitts Chemical?

21 A I don't remember a company that makes

22 balloons or anything like that with rubber in it or like

23 that. I do about raw rubber.

24 Q And what do you remember about the raw

1 rubber?

2 A That's what, when I told you they -- we'd

3 pick up rubber from Brazil.

4 Q The pickup in Toledo that you took to the

5 Balata facility in Columbus --

6 A Yes.

7 Q -- that we talked about yesterday?

8 A Yes.

9 Q Do you recall Ball Chemical as a customer

10 of Obitts?

11 A Yes, I do.

12 Q Do you recall where Ball Chemical was, the

13 location?

14 A I remember it, but I don't know where it's

15 at, I don't -- the street, I don't remember.

16 Q Do you recall what -- what city it was in?

17 Was it in Cleveland?

18 A I don't know.

19 Q Do you recall what you picked up from Ball

20 Chemical?

21 A No, I don't.

22 Q Drums or tankers?

23 A No.

24 Q And just a couple more. Beaver Paint

1 Company, does that ring a bell?

2 A Oh, yeah.

3 Q Was Beaver Paint Company a customer of

4 Obitts Chemical?

5 A It was a customer, I'm right sure.

6 Q I'm sorry, I didn't understand?

7 A It -- it was a customer, far as I know.

8 Q Do you recall making pickups from Beaver

9 Paint?

10 A I can't recall, but...

11 Q What about Beazer East or Par, do those

12 names ring a bell?

13 A No.

14 Q How about the boilermaker, Babcocks and

15 Wilcox -- Babcock and Wilcox, do you recall them as a

16 customer of Obitts Chemical?

17 A A boilermaker? I knowed of them, and

18 that's about it.

19 Q But you -- you don't recall them as a

20 customer of Obitts Chemical?

21 A No, I don't.

22 Q Did you ever haul empty drums?

23 A I believe I have. I'd say, far as I know,

24 I did. Seemed to me like I did from Cleveland, from Sherwin

1 Williams; I'm not for sure. I picked up somewhere once
2 so...

3 Q Okay. Bud Industries, does that -- do you
4 recall Bud Industries as a customer?

5 A No, I don't.

6 Q Does O'Sullivan ring a bell?

7 A No.

8 MR. McWILLIAMS: Okay. I think I have tortured you
9 enough, Mr. Johnson. I appreciate your time today. Does
10 anyone else have any followup questions?

11 **EXAMINATION**

12 BY MR. HEER:

13 Q I'm sorry to keep coming back, Mr. Johnson,
14 but you just mentioned something that -- that reminded me of
15 what you had said earlier. You mentioned just now that you
16 remember picking up clean drums at Sherwin Williams?

17 A Yes, I do.

18 Q How -- how frequently did that happen?

19 A If it happened, that was it; wasn't but one
20 time.

21 Q Just once.

22 A All I remember.

23 Q Was that something that you did at other
24 facilities, pick up clean drums?

1 A Not for Obitts.

2 Q I'm sorry?

3 A Not for Obitts.

4 Q Not for Obitts, okay. But you pick -- in

5 this instance that you recalled, that was for Obitts?

6 A That's right.

7 Q All right. Was it a full box trailer of

8 clean drums?

9 A I don't believe so.

10 Q Can you remember about how -- how much of a

11 load it was?

12 A Maybe 15 or 20.

13 Q Do you know why?

14 A No, I don't.

15 Q How did you know that they were clean

16 drums?

17 A Well, all you have to do is look at them,

18 and you know. When you get the bill to sign for it, you

19 know that. Well, you know all kind of ways. When you look

20 at it, you -- there's not no used or nothing.

21 Q Do you remember whether they were brand new

22 drums or if they were just cleaned out --

23 A Brand new.

24 Q -- but had been used?

1 A New one.

2 MR. HEER: They're brand new, okay. All right.
3 That's all I needed. Thank you.

4 THE WITNESS: I believe this is yours (indicating).

5 MR. NASH: Yeah, that's Margaret's. Thank you so
6 much, Mr. Johnson, and thank you for all your help yesterday
7 and today and all the help you've been to us. We appreciate
8 your taking the time to come here. I'm sorry; I think we
9 made your cousin miss his appointment. He was just fixing
10 up on the phone to go up the road in 15 minutes, I think you
11 said?

12 RAYMOND: Yeah.

13 MR. NASH: I hope you're there on time this time
14 around. Sorry we kept you late today. I think we're all
15 done here.

16 (WHEREUPON, the deposition concluded at 1:40 p.m.)

17

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STATE OF WEST VIRGINIA

COUNTY OF FAYETTE, to-wit:

I, Kristi S. Roby, Court Reporter and Notary Public within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the foregoing deposition of **JAMES L. JOHNSON** was duly taken by and before me at the time and place and for the purpose specified in the caption thereof, the said witness having been first duly sworn by me to testify the whole truth concerning the matter in controversy.

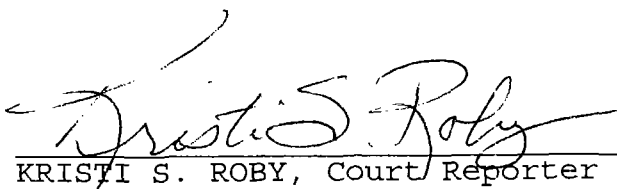
I do further certify that the said deposition was taken by means of Stenomask, and that the transcript is true and correct to the best of my skill and ability.

The examination, reading and signing of said deposition were waived by the witness at the conclusion of said deposition.

KRM

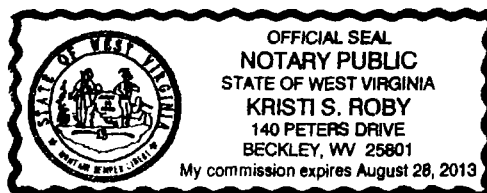
1 I further certify that I am not connected by blood
2 or marriage with any of the parties to this action, am not a
3 relative or employee or attorney or counsel of any of the
4 parties, nor am I a relative or employee of such attorney or
5 counsel, or financially interested in the action, or
6 interested, directly or indirectly, in the matter in
7 controversy.

8 Given under my hand this 3rd day of April, 2005.

9
10
11
12 
KRISTI S. ROBY, Court Reporter

13 NOTARY PUBLIC FOR STATE OF WEST VIRGINIA

14 My commission expires: August 28, 2013.



KRM



JAMES L. JOHNSON

EXHIBIT "1"

DATE:
03/22/05

REPORTER
KSR